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### Tudor Conciliar Theorists

Daniel E. Mitchel

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## Abstract

### TUDOR CONCILIAR THEORISTS

by Daniel E. Mitchel

This thesis analyzes a variety of sources such as printed books, diplomatic correspondence, letters, and notes, from which a description of Tudor ideas in relation to proposals to hold a general council can be derived. This Tudor Conciliar Theory has a definite beginning.

Henry VIII developed a flexible foreign policy to deal with continental suggestions to hold a general council of the church. The position which he took was that the English nation was not opposed to such a gathering, but on every occasion, matters of detail were used to block English participation. While these procedural details kept Henry from participating, a second "wall" of defense was raised: Henrician propagandists insisted that the princes of Christendom, not the pope, should be instrumental in calling a council into session. The authority to call a council into being implied, of course, the power to control its proceedings, which was a crucial point in Henry's campaign to vindicate his decision to divorce Catherine of Aragon.

Thomas Cranmer, archbishop of Canterbury, was in agreement with these Henrician ideas. He, in turn, planted the essence of Henrician conciliar thought into article twenty-two of the 42 Articles of Edward VI. Under the reign of Elizabeth, this article became number twenty-one of the Thirty-Nine Articles of Religion, the basis of the Anglican settlement.

Later apologists, defending Elizabeth's refusal to participate in the concluding sessions of the council of Trent used arguments similar to those advanced by her father's propagandists. Such men as John Bale, John Jewel, Thomas Cartwright, John Foxe, William Whitaker, and John Whitgift followed the system of ideas that was developed in the 1530's.

English translations of European writers, (which provide sure evidence of someone in England having read them) disclose no indebtedness to any continental school of thought. Some of the best protestant arguments against the proposals to hold a general council, by Calvin and Luther, were never translated. Thus, aside from the influence of fourteenth and fifteenth century conciliar writers, there was a distinctive English conciliar theory, apart from continental thought.

The aim of this English conciliar theory was to allow the princes of Christendom a measure of power over the general council. It enlarged the arena wherein the king held dominion over the church and diminished the territory over which the general council had jurisdiction. Petty objections to procedural details revealed a hostility to the general council itself, revealed the aversion of these Englishmen to the idea of allowing this foreign institution to limit the power of the king.

LOMA LINDA UNIVERSITY

Graduate School

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TUDOR CONCILIAR THEORISTS

by

Daniel E. Mitchel

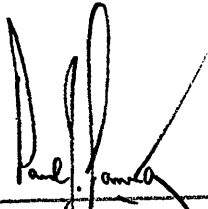
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A Thesis in Partial Fulfillment  
of the Requirements for the Degree of  
Master of Arts in the Field of History

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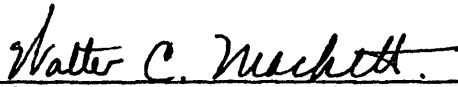
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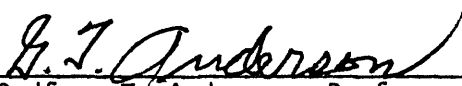
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## INTRODUCTION

The council of Trent, meeting in sessions between 1545 and 1563, has come to be known as the fountainhead of the Roman Catholic reform effort. The Counter-Reformation was carried out in direct confrontation to the Protestant movement. What had begun with a promise of reuniting the western church, healing the split between Latin and Teutonic versions of Christianity, ended in confirming the division, making the separation permanent.

England's reaction to the general council has received little attention. There is no study that carries the problem from its inception with Henry VIII to its conclusion during the reign of Elizabeth I. Isolated studies of specific areas are of high quality, however. Franklin Le Van Baumer, in his Early Tudor Theory of Kingship,<sup>1</sup> considered some of the Henrician conciliar statements, not in the context of England's reaction to Trent, but in considering the political theory of kingship advanced by Henry and his apologists. Two decades later a Japanese scholar, P. A. Sawada, published an article in the Journal of Ecclesiastical History, in which he discussed two anonymous works on the general council within the period 1536-1539.<sup>2</sup> William Southgate wrote a tightly reasoned

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<sup>1</sup>Franklin Le Van Baumer, The Early Tudor Theory of Kingship (New Haven: Yale University Press, 1940).

<sup>2</sup>P. A. Sawada, "Two Anonymous Tudor Treatises on the General Council," Journal of Ecclesiastical History, XII, 2 (October, 1961), 197-214.

monograph on John Jewel's theology in which he dealt with the conciliar thought of that most famous Elizabethan apologist.<sup>3</sup> Nor could one ignore the work of the German scholar, Hubert Jedin, of whose extensive works two volumes of the History of the Council of Trent have been translated into English.<sup>4</sup> Jedin, dealing with the continental background of Trent, still managed to present a protean discussion of England's position.

Beyond these specialized works, three generalized treatments of the English reformation have been of great value. Philip Hughes' three-volume work, The Reformation in England, discussed the Tudor reformation in a thorough, if biased, manner, allowing cross-reference of primary sources cited in the critical apparatus.<sup>5</sup> A. G. Dickens, whose timely work has served as a reminder that the historical forms which government archival evidence erect do not always represent the reality of religious practice, has served as a caution that the Tudor theorists were more complex than a surface reading would indicate.<sup>6</sup> And, to G. R. Elton, whose demonstration of the vitality of the Cromwellian program has ushered in a new spirit of discovery to the study of the times of Henry VIII, a debt of inspiration is owed.

This thesis will contend that English conciliar theorists, using

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<sup>3</sup>W. M. Southgate, John Jewel and the Problem of Doctrinal Authority (Cambridge, Mass.: Harvard University Press, 1962).

<sup>4</sup>Hubert Jedin, A History of the Council of Trent, 2 vols., in progress, (St. Louis, Mo.: B. Herder Book Co., 1957-).

<sup>5</sup>Philip Hughes, The Reformation in England, 3 vols., (London: Hollis & Carter, 1954).

<sup>6</sup>A. G. Dickens, The English Reformation (New York: Schocken Books, 1969).



a long tradition of conciliar ideology to good advantage, adapted fourteenth and fifteenth century concepts, as well as some contemporary continental opinion, into a system of ideas that buttressed the foreign policy objectives of Henry VIII. Subsequent events allowed these conciliar theories to be repeated, and to be used when such arguments were useful. Thus, some continuity in English ideas on general councils is to be found; theoretical statements from the reigns of Edward VI and Elizabeth I had their roots in the middle period of the reign of Henry VIII.

## Chapter 1

### HENRICIAN REACTIONS TO THE GENERAL COUNCIL 1526-1538

In his battle with the papacy over the divorce of Catherine of Aragon, Henry VIII, king of England, developed a conciliar theory to deal with proposals to convene a general council. His ideas were to persist throughout the remainder of the Tudor era, to be used again and again when the situation demanded. In a pragmatic manner, Henry made use of the reform ideals of the Conciliar Movement to further his own anti-papal policies.

The Conciliar Movement of the fourteenth and fifteenth centuries advanced the idea of calling a general council to reform the church. Festering problems of long duration were brought to a crisis by the Great Schism. The reforming councils of Pisa (1409), Constance (1414-1417), and Basel (1431-1449), initially held promise to restore order within the body of the church by reducing the rival claimants to the See of Saint Peter. However, conciliarist hopes dissolved in frustration when a papal-sponsored council in Ferrara managed to split the ranks of reform-minded men assembled at the council of Basel. When Nicholas V became pope (1447-1455), he was able to defeat the reforming Conciliar Movement, emerging as the sole claimant to the papacy as well.<sup>1</sup>

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<sup>1</sup>Williston Walker, A History of the Christian Church, revised ed.

The conciliar theories that had been advanced to justify the reform councils were not to be erased from men's minds, however, for centers of conciliarist strength remained in Germany and France. Conciliar theorists had given the movement a rich and diverse intellectual foundation which had originated in the compilations of canon law by Gratian, if not earlier.<sup>2</sup> We cannot expect such a movement to disappear with no trace; in fact its ideas wielded considerable influence in the reformation era.

Marsilius of Padua produced the Defensor Pacis in 1324, introducing a powerful series of arguments against the pope. His definition of the church granted all authority to the members. The representatives of the body of the church, assembled in a general council, were entrusted with supreme authority. In addition to granting religious authority to general councils, Marsilius gave all coercive power to secular princes, thus envisioning a Christian community with no powerful papal hegemony.<sup>3</sup> William Ockham, in his Dialogus (1340-1343), focused on the problem of heresy, concluding that the pope could be deposed by a general council if he were convicted of violating church law or found guilty of heresy.<sup>4</sup> Ockham's views, while sharing many elements of Marsilius' thought, were not tainted with the condemnation for heresy that the Paduan scholar had

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(New York: Charles Scribner's Sons, 1959), pp. 275-279; cf. Matthew Spinka, (ed.) Advocates of Reform: From Wyclif to Erasmus, Library of Christian Classics, Vol. XIV (Philadelphia: The Westminster Press, 1953), pp. 91-105.

<sup>2</sup>Brian Tierney, Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism (Cambridge: The University Press, 1955), pp. 23-84.

<sup>3</sup>Alan Gewirth (trans.), Marsilius of Padua: The Defender of Peace (New York: Columbia University Press, 1956), pp. 267-298.

<sup>4</sup>E. F. Jacob, Essays in the Conciliar Epoch (Manchester: The University Press, 1953), pp. 85-105.

suffered; he was more widely read and his influence was greater by virtue of the moderate tone of his treatise.<sup>5</sup>

Following closely the ideas of Conrad of Gelnhausen and Peter Amelius, Henry of Langenstein wrote a Letter on Behalf of a Council of Peace in 1381 advocating a general reformation of the church as well as calling on the general council to heal the wounds caused by the Schism.<sup>6</sup> Dietrich of Niem, an official in the papal curia, concluded that reform could only come from a general council which was to meet. His work, titled Ways of Uniting and Reforming the Church, done in 1410, took a radical position towards the economic abuses and moral lapses of the papacy, concluding that none of the three claimants to the See of Saint Peter should be obeyed.<sup>7</sup> John Gerson, along with Pierre D'Ailly, championed the conciliar ideal and served as guiding forces in the crucial struggles in the council of Constance.<sup>8</sup>

This council had affirmed, in the decree Sacrosancta of 1415, that the council was above the power of the pope.<sup>9</sup> In the defeat of the Conciliar Movement that decree was obscured by the Renaissance popes, but it became an important idea for the reformers of the sixteenth century who sought to cleanse the body of Christ, in caput et membris.

A synthesis of these conciliarists produces the following

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<sup>5</sup>Hubert Jedin, A History of the Council of Trent, I (St. Louis, Mo.: B. Herder Book Co., 1957), p. 9.

<sup>6</sup>Spinka, Advocates of Reform, pp. 106-139.

<sup>7</sup>Ibid., pp. 148-174. Cf. Jacob, Conciliar Epoch, pp. 25-43.

<sup>8</sup>Spinka, Advocates of Reform, pp. 95-97, 140-148.

<sup>9</sup>Jedin, Trent, I, pp. 14-19.

propositions: First, that authority within the church was vested in the entire membership. Second, that such authority could be delegated to representatives. Third, that the representatives, assembled in a general council, were superior to, and could stand in judgment of the papacy. And, finally, that the general council should be the instrument of reform in Christ's church, by use of the spiritual, not temporal, power vested in it.

Two examples show Henry VIII's position about the general council before his divorce forced drastic measures upon the English. Those occasions are the polemic against Luther, and the Treaty of Amiens.

The rift that ensued from a modest proposal for scholarly debate put forth on the eve of All Saints day in the form of ninety-five theses on the nature of forgiveness and penance by a young doctor of theology, Martin Luther, carried with it tremendous political dangers for the continent of Europe. The Holy Roman Emperor, Charles V, championed the calling of a church council as a means of securing a definitive doctrinal pronouncement that would close the rift opened by the Lutheran ideas of sola fideism. Such unity within the emperor's ranks would strengthen his hand in the war against Francis I of France, and give some chance of stopping the threatened Turkish invasion in the east without the additional problem of a civil war in Germany.

Luther, while admitting that councils could err, had appealed to a general council within German lands to reform the church of papal abuse and to hear his appeal from the papal threat of excommunication.<sup>10</sup> It is upon this occasion, defending the pontiff and the Roman church

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<sup>10</sup>Martin Luther, D. Martin Luthers Werke, II (Weimar: Hermann Böhlhaus, 1884), pp. 36-40; cf. "To the Christian Nobility of the German Nation" (1520) in Luther's Works, Vol. XLIV, ed. James Atkinson (Philadelphia: The Fortress Press, 1966), pp. 115-217.

against the Wittenberg heretic, that one finds Henry VIII, king of England, expressing his views upon the general council.

Henry VIII attacked Luther for appealing to a general council to escape condemnation by a papal court in Rome. He accused him of being insincere in his desire for a council, for Luther had called for a "free" council on German soil. Henry pointed out that either condition might supply a pretext for Luther to repudiate the council's decision. Either it would not be "free" or it might not be held in safe German territory.<sup>11</sup> Henry eventually came to the point of championing the ideas he had attacked so vehemently when Luther had expressed them.

In the Italian wars fought between Francis I and Charles V the popes tried to back whichever side would allow them to retain the territorial integrity of the papal states. This meddling in temporal matters had been a common behavior for the popes throughout the fifteenth and early sixteenth centuries. Occasionally their policies led to disastrous results, such as the invasion and sack of Rome in May, 1527, by a disgruntled army of Charles V. Pope Clement VII was forced to retreat to the castle of San Angelo where he was marooned for over a year. In response to this situation Henry VIII and Francis I agreed in the Treaty of Amiens that so long as the pope was a prisoner, neither party would consent to the calling of a general council, which Charles V very much wanted.<sup>12</sup> The English king would one day ask the

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<sup>11</sup>Henry VIII, A Copy of the Letters wherein the most redouted & Mighty Pri[n]ce our soverayne Lorde King Henry the eight King of England & of Fraunce defe[n]sor of the Faith and Lorde of Ir[e]la[n]de made answeare unto a certayne letter of Martyn Luther sent unto hym by the same & also the Copy of ye foresayd Luthers Letter in order as here foloweth (London: Richarde Pynson, 1526).

<sup>12</sup>J. S. Brewer and James Gairdner (eds.), Letters and Papers

emperor to convene a council without consulting the pope.

In his blast against Luther and in the Treaty of Amiens with Francis I, Henry showed no animosity towards the papacy. That hatred which would propel his conciliar policy began when the divorce suit being heard by cardinal Wolsey and the nuncio, Campeggio, was adjourned, and the case transferred from England to Rome.<sup>13</sup> When the case dragged on in Rome, Henry began to despair of a solution favorable to his interests coming from Italy. As early as September, 1530, his representatives at Rome were suggesting that Henry use the threat of appealing to a general council to get the pope to decide against Catherine.<sup>14</sup>

The idea of calling a general council began to be discussed often in the winter of 1530. Henry took advantage of foreign speculation about his intentions by filling the ears of Eustace Chapuys, Charles' ambassador in England, with information that would be pleasing to the emperor. In his account of an audience with the English king, Chapuys wrote that Henry thought the idea of calling a church council was a sound idea for it would help heal the schism brought on by the Lutheran heresy. However, Chapuys also indicated that Henry had told the representative of Milan that nothing but mischief could come from such a meeting.<sup>15</sup> Charles' suspicion of Henry's intentions can only have been sharpened

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Foreign and Domestic of the Reign of Henry VIII, Vol. IV part 2, (London: Her Majesty's Stationery Office; Vadus: Kraus Reprint Ltd. 1965), No. 3356. Hereafter cited as L & P. Unless otherwise indicated, numbers following the Volume numerals refer to document numbers.

<sup>13</sup>C. H. Williams (ed.), English Historical Documents 1485-1558 (London: Eyre & Spottiswoode, 1967), p. 715. This occurred in the summer of 1529.

<sup>14</sup>L & P, IV pt. 3, 262.

<sup>15</sup>L & P, V, 40.

by a dispatch which he received one month later in which Henry had chosen to speak to Chapuys about the many problems that stood in the way of convening such an assembly. Henry suggested that the problems before Charles with the Lutherans in Germany were greater than many supposed they were, and he wished that the council had already begun.<sup>16</sup>

Henry VIII addressed a letter to Clement VII approving the pontiff's tentative proposal for a general council. He stated that he was sorry they were not held more often to suppress heresy. Although the king did not think the prospects for such a council actually meeting were very good, he nevertheless promised to do what he could to promote the idea for such a gathering with the proviso that the princes should agree upon the place where the council was to be held to ensure that it was safe and commodious.<sup>17</sup> However, Henry's actions showed his intentions better than his words. Two days prior to writing the letter to Clement, Henry had received a promise of £100,000 from the clergy assembled in the Convocation of the archbishopric of Canterbury in consideration of the king's forgiveness for the breach of the laws, and by his insistence, they had granted him the title of ". . . protector, single and supreme Lord, and as far as the law of Christ allows, even Supreme Head" of the church of England.<sup>18</sup> This was, of course, a move to deprive the pope of his authority in England and over the English church.

Clement seemed to want conciliation. He tried to appease Henry

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<sup>16</sup>Ibid., 112.

<sup>17</sup>Ibid., 97. The complete document is in Nicholas Pocock (ed.), Records of the Reformation. The Divorce 1527-1533, 11 (Oxford: The Clarendon Press, 1870), p. 118. This letter was dated February 13, 1531.

<sup>18</sup>Philip Hughes, The Reformation in England, 1 (London: Hollis & Carter, 1954), pp. 227, 229.



by doing nothing that could be construed as being hostile to the interests of the English crown. However, the Rota was unwilling to adjudicate in Henry's favor; and he, in frustration called upon Edward Carne, his representative in Rome, to bring the issue before the pope threatening that if the papacy decided in Catherine's favor he would appeal the decision to a general council. A form for the appeal was enclosed which, it was hoped, would keep the Vatican from doing anything in the intervening period. If the pope chose to interfere, Henry was prepared for decisive action: ". . . we, having regard to the maintenance of God's law, will study to destroy his law. . . ."<sup>19</sup>

Henry declared sanctimoniously that to maintain God's law he would have to destroy the pope's law. His agents were busy in the universities on the continent gathering support to achieve the latter aim, if not the former. A letter received in England near the time that Henry sent the instructions to Carne stated that an agent had managed to bribe a certain friar, Gregory of Padua, who favored the king's divorce, and who might prove "useful" in a general council.<sup>20</sup>

The results of the solicited opinions of the major universities were paraded before a candid reading audience in a long, complex, wearisome book whose title betrays its length: The determinations of the moste famous and mooste excellent universities of Italy and Fraunce, that it is so unlefull for a man to marie his brothers wyfe/ that the pope hath no power to dispence therwith.<sup>21</sup> This book came as

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<sup>19</sup>L & P, V, p. 395.

<sup>20</sup>Ibid., 115.

<sup>21</sup>The determinations of the moste famous and mooste excellent universities of Italy and Fraunce, that it is so unlefull for a man to

the result of the survey of the opinions of the universities which had been taken on the suggestion of Thomas Cranmer. The Determinations made propaganda from the universities' decisions. Their decisions may be interpreted in two ways: either the universities were bribed or pressured into rendering a decision they did not believe in or, the findings of the centers of learning within western Christendom agreed that there was some merit in the claims of the Tudor monarch that his marriage was not a valid one. Certainly enough money flowed into the hands of influential scholars to justify the former charge, while the agreement of Scripture, early church fathers, decisions of early general councils, natural and moral law lent some credibility to the book's claim that Henry was right and the the pope was wrong.

A far more effective piece of propaganda appeared in 1532 when the king brought out a slim volume titled A Glasse of the Truthe.<sup>22</sup> Based on the ideas of The Determinations, Henry argued that the divorce was valid because the pope had never possessed the power to annul prohibitions against marrying a brother's wife. This assertion was backed by a distinction between divine and human law; the pope's dispensation was of no effect when the Word of God expressly forbade such marriages. Buttressing the contention that the Vatican could not annul Scriptural law, the writer argued that ancient councils, church fathers, and early popes, as well as the universities, agreed with his contention. He stated that as far as the power of the pontiff was concerned,

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marie his brothers wyfe/ that the pope hath no power to dispenche therwith (London: Thomas Berthelet, 1531).

<sup>22</sup>A Glasse of the Truthe (London: Thomas Berthelet, 1532); cf. G. R. Elton, Policy and Police (Cambridge: The University Press, 1972), pp. 176-177 who attributes the authorship to Henry VIII.

"... the pope oughte to conforme hym selfe to the Canons and decrees of Counsels, and not to dispense agaynst them, and so much the lesse may he dispe[n]ce with the lawe of God. . . ."<sup>23</sup>

A Glasse of the Truthe was an effective propaganda tool; as such, it was the first of many volumes that were to pour from Thomas Berthelet's press in support of the crown. Before examining those propaganda pamphlets one needs to examine some of the diplomatic exchanges of the time which allow some insight into Henry's thought.

Thomas Cranmer, newly ordained archbishop of Canterbury, took custody of the marriage suit on May 10, 1533, and by May 23, had judged the marriage of Henry and Catherine of Aragon to be void. Five days later he pronounced the union of Anne Boleyn with Henry to be a true marriage. Clement VII responded in July by excommunicating those who had heard the case, annulling Henry's marriage to Anne, and giving him until September to put her away or face the threat of excommunication.<sup>24</sup> Henry countered by ordering Edmund Bonner to deliver an appeal to a general council. The orders directed Bonner to give notice of the appeal to the pope, who was dwelling in Marseilles as the guest of Francis I.<sup>25</sup>

Bonner's long letter, detailing the reaction of the pope to the reading of the appeal, is a classic description of a young, rash, diplomat set upon pleasing the king by doing his mission as ordered. He wrote that he had finally gained access to the pope's presence by his

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<sup>23</sup>A Glasse, p. 2.

<sup>24</sup>Hughes, The Reformation, I, pp. 241-257.

<sup>25</sup>L & P, 998. The letter of Henry to Bonner is in Nicholas Pocock, Records of the Reformation: The Divorce 1527-1533, II, p. 679; the appeal in Thomas Rymer, Foedera: Conventiones, Literae Et Cujuscunque Generis. . . ., XIV (London: J. Tonson, 1728), pp. 476-477.

steady refusal to be turned away, whereupon the young scholar had read the king's appeal to a forthcoming general council. Clement was quite angry at the hearing of the appeal ". . . continually folding up and unwinding of his handkerchief, which he never doth but when he is tickeld to the very heart with a great choler. . . ."26 The English envoy went on to say that Francis I was aware of what had been done; he had entered the room while the appeal was being read; Bonner's prying ears had not been able to hear what the French king had said, for Francis had turned his back to the Englishman as he spoke very earnestly with the pope. After the king had spoken for a long time the pope had responded with the statement, ". . . This is of your goodness . . . ."27

There can be little doubt that Henry thought his kingdom was in danger. The appeal to a general council might provoke Clement to take serious counter measures. Bonner's letter of November 13, describing the meeting of Francis with the pope, carried an ominous threat of the possibility of invasion by French troops, backed by an alliance of Francis with the pope.

A document titled "Memoranda for the King's Council" of December, 1533, outlined a plan for military preparedness coupled with a propaganda campaign to meet the danger.<sup>28</sup> The "Memoranda" indicates that the king's

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<sup>26</sup> Gilbert Burnet, The History of the Reformation, VI, ed. Nicholas Pocock (Oxford: The Clarendon Press, 1870), pp. 56-67.

<sup>27</sup> Ibid., p. 62. The Italian was "Questa e per la bonta vostra."

<sup>28</sup> L & P, VI, 1487; cf. Record Commission (comp.), State Papers: King Henry the Eighth, I, ([n.p.], 1848), pp. 411-415. Cromwell made notations on his draft of the memoranda that fortifications on the frontiers be strengthened, that the Irish be brought to the king's

council ordered that the king's appeal to a general council be publicized in England to gain support from the people, and to allay any possible rebellion. The bishops were to be examined to see if the pope's power was greater than that of a general council or the council over the pope; they were to be asked if the bishop of Rome had any more authority in England than any other foreign bishop. The next project was to devise means whereby the bishops of the realm would preach and instruct others to proclaim that general councils were above the pope's power, and that the papacy's authority was only that of "bishop of Rome." The preachers at Paul's Cross, London's most popular public speaking place, were to deny the authority of the bishop of Rome over any part of England in their sermons; those in holy orders were to preach this in their houses. The Act prohibiting appeals to Rome was to be published along with the king's provocation and appeal to a general council; all were to be posted on every church door in the kingdom, and sent into other dominions, with special attention to Flanders, to prevent the censures of the papacy, which were thought to be forthcoming, from having any effect. Cromwell and Lord Norfolk were ". . . to sende exploratours and espies into Scotland, and to see and perceyve their practices, and what they intende there; and whether they wyl confeder them selffes with any other Prynces."<sup>29</sup> Finally, there was a suggestion to send discreet

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position, that the king's navy be prepared and anchored in strategic places, that all war munitions be surveyed to know what state they were in and ". . . to knowe what store the King hathe of bowes, arrowes, handgoones, gones, gonnepowder, and stone, and all other thinges necessary for the warre; to the intente that if lacke be of any kynde of those thinges, mete for the warre, provysion may be made in season." One is struck by the close connection that existed between ideology and notions of territorial defense.

<sup>29</sup>Record Commission, State Papers, I, pp. 413, 415. Cromwell

persons to Germany to gather support from the Lutheran princes and free cities.<sup>30</sup>

The king's council had asked the bishops to submit their answers about the superiority of councils over popes within ten days.<sup>31</sup> A statement, presumably in response to the question of the king's council, that lawfully convoked councils were above all other jurisdiction but Scripture, was made soon after the December meeting. The declaration stated that princes had two ways to secure their rights when they were wronged: in spiritual cases by appealing to a general council, and in material cases by exercising the power of the sword. Furthermore, these two avenues were to be jealously guarded from infringement by any foreign power. The document further contended that general councils had stated that matters of strife and contention should be settled within the territory where they had begun; this the king of England with the Lords and Commons had sought to enforce with a law forbidding appeals to Rome in matrimonial cases. Since Henry had appealed his case to a legitimately convoked general council, the pope was barred from any further action on the case, and he had no power to act on the matter, "other diabolic acts and statutes by some of his predecessors made notwithstanding."<sup>32</sup> Any censures and interdicts of the papacy should be despised and resisted, the paper argued, the bishop of Rome having no other authority than any ordinary bishop outside of his province but

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was to be in charge of publishing the papers to be posted.

<sup>30</sup>Ibid., p. 413.

<sup>31</sup>Ibid., p. 414.

<sup>32</sup>L & P, VI, 1487.

that which the people and the princes had granted him by sufferance. By denying an appeal to a general council, and upholding the diabolic decree of his predecessor Pius II, Clement VII had become guilty of heresy. Such a heretic should no longer be obeyed by any true Christian; moreover, he was base born, had obtained his office by simony, and had shown by his conduct that he was not a disciple of Christ. The writer concluded by demanding that the pontiff be corrected by the Lord for his pomp, pride, and ambition which ran counter to his holy office.<sup>33</sup>

The document cited above became the basis for a treatise printed by Thomas Berthelet, titled Articles Devisid by the Counsayle.<sup>34</sup> This work, produced by the king's council, was intended to exhort and inform the subjects of the realm upon the just nature of the king's cause. No human could tamper with God's law (as Julius had done when he allowed Henry to marry Catherine.) No one should be required to go out of his diocese in a legal case, but the king's case had been taken to Rome in violation of the decrees of the ancient councils of the church. Justice had also been denied to Henry, when his representative ("excusator") had been prevented from presenting the case at a hearing in Rome.<sup>35</sup> There was no doubt, the council stated, that the remedy for the unreasonableness of the Curia was an appeal to a general council. Lawfully convened, a "general counsel is superiour and hath power over al byshoppes and

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<sup>33</sup>ibid.

<sup>34</sup>King's Council of England, Articles devisid by the holle consent of the kynges most honorable counsayle his gracis license obtained therto not only to exhort, but also to enfourme his lovyng subjectis of the trouthe (London: Thomas Berthelet, 1533).

<sup>35</sup>ibid., fol. 3<sup>v</sup>-5<sup>r</sup>.

spiritualle powers no exceptyng the byshoppe of Rome. . . .<sup>36</sup> Moreover, an inviolable appeal precluded any further action on the part of Clement VII.<sup>37</sup> The king's council reminded readers that no sentence of excommunication could apply to Henry because he had appealed the case, after having ceased his incestuous life with the wife of his dead brother, Arthur.<sup>38</sup>

The treatise further stated that it was the duty of bishops to follow certain steps in correcting wrong living. The archbishop of Canterbury had followed these steps by admonishing Henry to leave his wife, and not to return to her. He had then divorced the two upon the findings and recommendations of his court. It was clear that God favored the new match with Anne for a child had been born of the new marriage quite quickly--a clear evidence of divine favor! (There was no mention of the fact that Anne was pregnant before Cranmer married the couple.) Furthermore, the realm was prosperous, corn and cattle were plentiful that year. Peace was upon the land. There was a pureness in the air which spared the population from disease. To the king's men the conclusion was clear: God favored what Henry had done. They added another conclusion: that by impeding Henry's actions in denying the appeal, the pope had shown that he was a heretic.<sup>39</sup>

Rather than the condemned, Henry had now emerged the accuser; Clement was pictured as the figure bent upon subverting the order and

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<sup>36</sup>ibid., fol. 6v.

<sup>37</sup>ibid., fol. 6r-7v.

<sup>38</sup>ibid., fol. 8r-v.

<sup>39</sup>ibid., fol. 8v-11v.



peace of the realm. The pontiff was depicted trying to drown the legitimate course of a legal appeal while the English king bathed in the light of Scripture and divine law. The clumsy half-truths and evasions that were presented in the Articles Devisid by the Counsayle could have fooled few; the innovator was wearing royal robes, not priestly ones.

A more lively tract better suited to the needs of public information appeared soon after with the quaint title of A Litel Treatise Ageynste the Mutterynge of some papists in corners.<sup>40</sup> The book was printed to popularize the decision to appeal the divorce case to a general council and to gather support for the religious changes that were being introduced within the realm. A statement of Henry's position towards the general council was made very clearly in the following excerpt:

. . . All such auctoritie and power, as the pope had, more than all other bishops or over and upon the same, was not immediately gyven hym by god, but he had it granted him by kinges and princis, and the consent of menne, or els came by it by wronge usurpation and tyranny. For the same fathers knew righte well, that by the lawes of god, all byshoppes were, and yet now be in power and auctoritie equall, and that the byshop of Rome, in al poyntis of our fayth and belef, is subject unto holye scripture and the generall Counsell, and may by the auctoritie of the same as well be deposed for sufficient causes, as any other byshoppe maye. . . .<sup>41</sup>

The writer went on to assert that after many vexations Henry had appealed his case to a general council and was, like a good king ". . . very well contented to abyde suche determination, as the sayd Cou[n]celle nexte to

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<sup>40</sup> A Litel Treatise Ageynste the Mutterynge of some papists in corners (London: Thomas Berthelet, 1534). The Huntington Library copy has been trimmed after binding, obliterating marginal references. Cf. Elton, Policy and Police, p. 183, who cites a note of Thomas Cromwell calling for the need to combat opposition to the marriage "though they forbear to speak at large, for fear of punishment, yet they mutter together secretly." Quoted from Pocock, Records, II, pp. 487-489.

<sup>41</sup> Ibid., sig. A 3<sup>r</sup>.

be assembled in our savioure Jesu[s] Christe shall ordeyne."<sup>42</sup>

Citing the precedent of Peter being hailed before the council of Jerusalem to answer for his behavior, the writer of A Litel Treatise neatly turned the tables on the pope: the bishop of Rome should be forced to explain in a general council, which represented the whole church, why he was obstructing Henry's appeal.<sup>43</sup> One must note a characteristic ability of this author to shift abruptly from a defense of the king's position to an attack on the pope.

On September 25, 1534, Clement VII died. His successor, Alessandro Farnese, elected pope Paul III on October 13, was an astute statesman who moved immediately to get agreement from the rulers of Europe to participate in a general council. In April, Peter Paul Vergerio, papal nuncio, undertook the difficult task of securing the assent of the German princes, Catholic and Lutheran, to participate in an attempt to resolve the Protestant question at the council.<sup>44</sup>

To obstruct the papal nuncio's efforts and to weaken Charles V's influence by securing an alliance with the German princes, Henry sent his envoys to northern Europe. The English initiative to Germany, carrying with it the possibility of an alliance with the Schmalkaldic League, was handled by Richard Foxe, bishop of Hereford, and the impetuous Dr. Robert Barnes. Foxe was the diplomat; Barnes was a Lutheran who had spent several years with Luther in Wittenberg, exiled from England, which he had fled by feigning suicide by drowning to elude relentless trackers.<sup>45</sup>

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<sup>42</sup>ibid., sig. B 2<sup>v</sup>.

<sup>43</sup>ibid., sig. B 2<sup>v</sup>-B 3<sup>r</sup> (numbering ours).

<sup>44</sup>Jedin, Trent, I, pp. 285-294.

<sup>45</sup>James Gairdner, "Barnes, Robert," Dictionary of National

Among other things, Henry's instructions to Bishop Foxe were to seek clarification of which doctrines the Lutheran princes were unwilling to compromise on, so that if a general council did meet, essential beliefs which they held would not be trampled by inadvertent concessions. Also, Foxe was to try to make sure that if such a council were held, it would be convened in a safe, neutral place.<sup>46</sup>

The message which Foxe and Barnes delivered to the assembled leaders of the Schmalkaldic League on December 15, 1535, proved to be very similar to ideas formally expressed by Henry's books two years later. The envoys told the assembly that Henry was not adverse to a Christian and free council, although he did not expect one to materialize at that time. If the princes of the Schmalkaldic alliance were to unite in such a council he would join them, with the precondition that the place where it was held had to be convenient and safe and that all decisions made by the council should have a Scriptural basis rather than being rooted in canon law. Henry wanted the pope and his cardinals to appear before the council as parties in the case of his divorce and not as the judges. Foxe told the league that all the articles of faith which they, together with Henry, considered Christian and right must be agreed upon before such a council ever met. If these conditions did not prevail, then no good could come from such an assembly of church representatives; indeed, the whole effort would have to be abandoned.<sup>47</sup>

The reply of the Schmalkaldic League was presented nine days

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Biography, I, eds. Leslie Stephen and Sidney Lee (London: Oxford University Press, 1938), pp. 1173-1176.

<sup>46</sup> L & P, IX, 213.

<sup>47</sup> Ibid., 979.

later on December 24, 1535. The princes sent Henry a series of propositions which could become the basis of a treaty if the English king agreed to them. They asked that Henry promote the gospel and the Augsburg Confession as the basis of faith unless such a confession was revised with the mutual consent of the parties involved. Henry was to defend this confession in a general council. They proposed that neither side of the alliance should agree to the holding of a general council without the consent of the other party, with the exception that if a council were called that fulfilled the conditions which Peter Paul Vergerio, the papal representative, had outlined, they would be bound to go by virtue of their agreement with him. If the parties could not agree on a place for the meeting of the council and the pope proceeded to convene such an assembly, they would let it be held but would not abide by its decrees, nor allow the promulgation of those decrees within their territories. The Tudor king was offered the title of "Defender of the League," while being asked not to recognize the authority of the bishop of Rome. In the event of war upon either party, there was to be no aid for the enemy being fought. The princes of the Schmalkaldic League asked Henry to confer 100,000 crowns for the defense of the League, with the provision for 200,000 more if needed. The proposition to the king ended with an offer to send ambassadors to discuss religious issues if Henry wished to become a member of the League.<sup>48</sup>

In reply to the suggestion that he promote the gospel, Henry stated that he observed the Scriptures. He would join in a general council in a safe place but he could not be bound to defend the Augsburg

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<sup>48</sup>Burnet, Reformation, VI, pp. 150-154.

Confession for ceremonies might differ and by any account should be ordained by each area's prince. He agreed that a free council such as Vergerio had proposed could not be refused. The English would join in nullifying any decrees proposed by a council convened by the papacy without their approval. Henry stated that he could not accept any titles until an agreement was reached on the other articles under discussion. The stipulation that neither party give aid to the enemies of the other party in a war would be acceptable if no citizens (mercenaries) of those territories be allowed to help the belligerents. The king told the Germans that he did not want to pay for any wars that they were involved in at the time but that if the money was to be used for the defense of the league in the future he would agree to that article. The king concluded with a statement that they should send their ambassadors to discuss religious issues.<sup>49</sup>

What was proposed in this alliance was an agreement to stand together in defending each other's position within a general council, to form a defensive alliance or at least to refrain from aiding the opposition, and finally, to open religious discussions to try to reach some consensus on matters of belief. Henry's reply committed him to discuss the issues further, and nothing more. He was prepared to talk but not to commit any armed forces to the Schmalkaldic League. His purpose was to secure protection should his divorce be discussed in a general council.

The French had also been making overtures to the Schmalkaldic League throughout the summer of 1535. Francis had even invited Melanchthon, the Lutheran theologian, to come to Paris. Nothing had come from these overtures, which had been prompted by a desire to secure

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<sup>49</sup>ibid., p. 155.

an alliance with the German protestants, thus weakening Charles V.<sup>50</sup>

War between Francis I and Charles V erupted again in February 1536, over the Italian state of Milan. During those winter months relations between France and England were close. However, Francis I had been forced to reach an agreement with Paul III that was potentially a divisive issue between England and France. As the price for papal neutrality, Paul demanded, and received, an agreement from the French to support plans to hold a general council. The war between France and the empire coupled with the death of Catherine of Aragon on January 7, 1536, opened new possibilities for England to better its relations with Charles V which had been strained to the breaking point by Henry's treatment of his aunt while she had been alive.<sup>51</sup> The French agreement with the pope threatened Henry's alliance with Francis. This weakened Henry's position, which he was determined to strengthen even if it meant a reversal of allies.

In this atmosphere of change, Francis I attempted to reconsolidate his alliance with Henry. The French ambassador in England assured Henry that Francis wanted the English to know that he had heard that the pope and the emperor had agreed to call a general council to meet at Mantua on the day of Whitsuntide, twelve months later. The ambassador assured Henry that there was no basis for persistent rumors that the French had formed an alliance with the emperor. Furthermore, as evidence of his good intentions, Francis committed himself to send the bailiff of Troyes to reveal to Henry all that the French king had on his mind. Henry's

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<sup>50</sup> Jedin, Trent, I, pp. 301-302.

<sup>51</sup> Ibid., pp. 302-310; L & P, X, 141.

response to the French ambassador was that issues of the general council were weighty, and could not be disposed of hastily. It was his considered opinion that all Christian princes had an equal right and should have an equal voice in the calling of a general council together with the emperor. No such assembly should be called without the consent of all princes, he asserted. Furthermore, although the English king considered the summoning of such a council to be essential to the unity of Christendom, he felt sure that the French would agree with him that Mantua was an objectionable and unsafe city for it to meet.<sup>52</sup>

The object of Henry's statement was to create jealousy against the emperor in the French king's mind by implying that Charles was exercising powers to convene councils that belonged to the French as well as to other princes. Also, he was trying to dismiss the proposal for a general council by using practical, logistical objections rather than rejecting the concept of a council per se.

That Henry was not revealing his mind to the ambassador from France is shown by the correspondence of Chapuys, written six days earlier, on April 24. He wrote that the English had not made any formal statement about their participation in the council, except to demand that the emperor should convoke such an assembly.<sup>53</sup>

When the bailiff of Troyes arrived from France, it became apparent that he had two goals in his negotiations: to secure the aid of the English in the Italian campaign, and to get Henry to make a statement on his position towards the general council. Henry was more inclined to play

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<sup>52</sup>L & P, X, 760.

<sup>53</sup>ibid., 720.

the French against the emperor. By June 1536, following the execution of Anne Boleyn, he felt secure enough to offer his services to mediate in their war or arbitrate the dispute, and to attempt to bring peace to Europe. He was less willing to commit himself, however, on the issue of the general council. Henry informed the bailiff that a general council was very necessary to eradicate error and secure God's truth. The meeting would wipe out abuses that threatened the church and the authority of princes. The English wanted the assembly to meet in a safe and neutral place; furthermore, an agreement among Christian princes should be had before a meeting took place to decide upon matters of the indiction of the council and who was to preside at such a meeting. Henry stated that he saw the usurpations of the bishop of Rome so clearly that he could never consent to the council being convened by that bishop.<sup>54</sup>

At the same time that De Dintiville, the bailiff of Troyes, was receiving the message that he was to take back to Francis, Cromwell was filling the ears of Eustace Chapuys, the emperor's ambassador in England, with the appropriate information to give to Charles V about the council. Henry wanted it known, Cromwell stated, that the English did not want to separate themselves from the body of Christendom, that they wanted a council to meet as much as anyone did. The only provision was that the council should be called by the emperor as the head of Christendom.<sup>55</sup> If the emperor had done as Henry asked, it would have alienated the pope, and driven Francis to the conclusion that the council was Charles'

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<sup>54</sup>ibid., 1084, 1085.

<sup>55</sup>ibid., 1069. The Bull calling for a council to meet in Mantua on May 23, 1537, was issued June 2, 1536; cf. Jedin, Trent, I, p. 312.



diplomatic tool, not a general council.

In August, Francis sent another message asking Henry to join him against the emperor. He assured Henry that the name of the French king had appeared on the Bull of Convocation of the council by mistake, saying that it had been placed there without his consent. Francis promised that he would never agree to the calling of a general council without the mutual consent of the English.<sup>56</sup> Henry could not have been deceived by this message.

About this time Thomas Cranmer, along with twelve bishops and churchmen, endorsed a document titled "For the General Council," giving in three paragraphs an outline of their conciliar thought. They stated that in times past, emperors had called the first four councils of the early church but that through his negligence, and the negligence of other princes, the bishop of Rome had usurped the authority to convene a council. Since the authority of the emperor had been split among the princes of Christendom, imperial territories ruled by many princes had the right, collectively, to call a general council. What once had been the duty of the emperor, now resided with all the princes. No one prince could call the council on his own; rather, it was to be done by several. Other rulers were to be bound and constrained to observe its decrees only by Christian charity; they could not be coerced. They stated that in ancient councils, priests had defined the faith and interpreted scripture. Their other job had been to minister to the flock. It was the princes' job to make sure that the priests did their duty, and if necessary, to redress abuses.<sup>57</sup>

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<sup>56</sup>L & P, XI, 209.

<sup>57</sup>Thomas Cranmer, Miscellaneous Writings and Letters of Thomas

This document was a preliminary to what was to follow: The Convocation of Canterbury, the assembly of churchmen of the archbishopric of Canterbury, signed a paper on July 20, 1536, titled "The Judgment of the Convocation Concerning General Councils."<sup>58</sup> The resolution argued that even as general councils were most necessary for putting away heresy and for the protection of right religion, and that there was nothing more godly for the protection of the Christian church, yet, if such an assembly were brought together in a spirit of malice or selfishness it would be subversive of God's truth. Gregory of Nazianzen was quoted to the effect that princes should see to it that evil assemblies not be allowed to pervert God's truth. The Convocation suggested that princes should consider five very important questions regarding general councils: First, who had the power to convene councils? Second, did the issues warrant the calling of a council rather than settling the problem locally? Third, who in reality should be the judge in a council? Fourth, what principles of interpretation of the church fathers were to be used? And finally, what doctrines were to be considered for modification and what doctrines were to be kept unchanged? The Convocation only attempted to answer the first of these. By resolving the issue of the authority to convene the council, they solved the problem of how to protect the interests of the English king, thus making answers to the other questions irrelevant.

When the Convocation addressed itself to the question of who

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Cranmer, Archbishop of Canterbury, ed. J. E. Cox, XVI, The Parker Society (Cambridge: The University Press, 1846), pp. 467-468. The English translation is in C. H. Williams, Documents, pp. 718-719.

<sup>58</sup> Cranmer, Writings and Letters, pp. 463-464.

possessed the authority to convene a council they had a firm answer:

. . . we think that neither the bishop of Rome, nor any one prince, of what estate, degree, or pre-eminence soever he be, may, by his own authority, call, indict, or summon any general council, without the express consent, assent, and agreement of the residue [remainder] of Christian princes, and especially such as have within their own realms and seignories imperium merum, that is to say, of such as have the whole, entire, and supreme government and authority over all their subjects, without knowledging or recognising of any other supreme power or authority. . . .<sup>59</sup>

Having stated their view on the authority to convene councils, the representatives of the archbishopric attached their signatures. The signatures were headed by Thomas Cromwell as Vicar General, Thomas Cranmer, Archbishop of Canterbury, and John Stokesley, Bishop of London. Thirteen other bishops and forty-nine churchmen also signed the document.<sup>60</sup>

The purpose of the resolution described above was to give Henry a measure of legitimacy in refusing to participate in a general council by securing the confirmation of the clergy. The heavy emphasis upon the rights of princes, and the singular attention to the right to convene a council, point to the crown as the source for the ideas within this declaration. There were other means to secure a favorable response to Henry's program. The scholars turned their attention to writing defenses of the English king's conciliar position.

Four works, all written between 1536 and 1538, need to be examined at this point. Two are anonymous, while two claim the authorship of Henry VIII. That three were printed by Berthelet seems to point

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<sup>59</sup>Cranmer, Writings and Letters, pp. 463-464.

<sup>60</sup>Ibid.

to their official endorsement as expressions of the government's position towards the general council. First to be considered is the treatise that is preserved only in manuscript form.

"A Declaration of a General Council",<sup>61</sup> was divided into seven parts. The first section attempted to resolve the problem of what made a council "general" by the corporation theory; a council was "general" if it had the consent of the whole church.<sup>62</sup> The treatise then asserted the necessity of having one individual as head in a general council. The author discussed the reasons for having a leader, tracing the rise of the head of a council to the need for discipline within the assembled body as the ardor of the early church, which had been such a force for unity, cooled, forcing the church to appoint leaders to maintain order.<sup>63</sup> The anonymous writer considered the issue of having the bishop of Rome as the ruler in the general council, and concluded that the pope was subject to the rule of the council and could even be tried for heresy by that body.<sup>64</sup> The nature of the head of the general council was tied up in its

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<sup>61</sup>Historical Manuscripts Commission, Calendar of the Manuscripts of the Most Hon, the Marquis of Salisbury, K.G. & etc. Preserved at Hatfield House, Hertfordshire, Part I (London: Eyre and Spottiswoode, 1883), p. 10. The unpublished treatise, number forty-six in the calendar, consists of forty leaves written in secretary hand. Its authorship is unknown; Gilbert Burnet attributed it to Thomas Cranmer, dating it about 1533-1534, which was accepted by the editors of the Parker Society, who included it in Thomas Cranmer's Writings and Letters, pp. 76-78. Franklin Le Van Baumer in The Early Tudor Theory of Kingship (New Haven: Yale University Press, 1940), p. 54, dated the manuscript to 1537 or later; P. A. Sawada, "Two Anonymous Tudor Treatises on the General Council," Journal of Ecclesiastical History, XII, 2 (October, 1962), 210, attributed the authorship to Henry Cole. For the text, see Appendix I.

<sup>62</sup>"A Declaration," fol. 4<sup>v</sup>-7<sup>v</sup>.

<sup>63</sup>Ibid., fol. 7<sup>v</sup>-18<sup>r</sup>.

<sup>64</sup>Ibid., fol. 18<sup>r</sup>-23<sup>r</sup>.

function--the responsibility to preserve order. The emperors had been entrusted with the keeping of order in general councils but were subject to the authority of the decrees of the council--all the more evidence that the pope was subject to the council, for the pontiff's authority was no greater than that of the emperor.<sup>65</sup> The treatise defined the powers of the general council by limiting its decisions to matters of faith; it had no power in matters that were the prerogatives of kings.<sup>66</sup> The section titled "What is to be sticked unto when doubtes shalbe diffined in a general Concile" dealt with the problem of knowing which authority to follow when councils contradicted each other. After some discussion the opinion was offered that Scripture seemed to be the sole basis for certainty in such disagreements.<sup>67</sup> In concluding the extended discussion, the author argued "That the bishop of Rome may not be head of the council although he hath been before."<sup>68</sup> Using legal arguments, the treatise showed that as a party in the dispute that must be settled in a general council, the pope could not sit in judgment of his own case. The pontiff would violate judicial procedure by sitting as an arbiter in his own trial.<sup>69</sup>

The second work, titled, A Treatise Concernynge Generall Councils, the Byshoppes of Rome and the Clergy,<sup>70</sup> deals with a wide range of topics

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<sup>65</sup>ibid., fol. 23<sup>r</sup>-28<sup>r</sup>.

<sup>66</sup>ibid., fol. 26<sup>v</sup>-28<sup>r</sup>.

<sup>67</sup>ibid., fol. 28<sup>r</sup>-35<sup>v</sup>.

<sup>68</sup>ibid., fol. 35<sup>v</sup>-40<sup>v</sup>.

<sup>69</sup>ibid.

<sup>70</sup>A treatise Concernynge Generall Councils, the Byshoppes of Rome and the Clergy (London: Thomas Berthelet, 1538). There are only

in addition to that of general councils. The treatise discusses the powers of the king, of the clergy and of the pope before dealing with the authority of councils. The writer provides a historical introduction to the problem in the fifth chapter, titled "By what auctorite the Catholyke generall councilles firste began, and what power they have." The history of the church is divided into two periods: from the time of Christ to the conversion of the emperor of Rome, and from then to the end of the world. The author misquotes Matthew sixteen:

. . . He sayd to Peter in the name of all the apostles and of all the hole church, tyll kynges and pryncis shulde be converted to the faythe, what soo ever bynde upon the erthe, shall be bounde[n] in hevens.<sup>71</sup>

The writer tries to show that it was by this authority that the apostles replaced Judas with another; it was also with this power that they altered the rite of Baptism to include the name of Christ.<sup>72</sup> When more people joined the church, the disciples held councils with other senior members rather than limit decision-making to their circle.<sup>73</sup> When kings were converted, the right to execute Christ's command passed from the

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two copies of this work in existence. One is in the Durham University Library and the other in the library of Lambeth Palace. It is a small octavo volume with signatures missing in folios 6 through 8. The signatures go from A<sup>v</sup> to D 5<sup>r</sup>. The flyleaf has "by Alexander Alesius?" written in a modern hand. The book was printed before April of 1538. It refers to the convening of the council and to the book, The Institution of the Christian Man, which was printed in 1537. It is unlikely that the manuscript version dates to 1534 as the Calendar of the Hatfield MS suggests. There is a diplomatic instruction of Henry's that refers to the books on the general council by Alexander Alesius and Master Cole, (L & P, XIII pt. 1, 695), which could be a reference to this work.

<sup>71</sup>Ibid., sig. B 5<sup>v</sup> (numbering ours).

<sup>72</sup>Ibid., sig. B 6<sup>r</sup> (numbering ours).

<sup>73</sup>Ibid., sig. B 6<sup>v</sup> (numbering ours).

disciples to the princes. Pagan kings had God's given power over the people; they lost none of this power when they converted to Christianity; rather, they gained further authority in the church.<sup>74</sup> The powers of the kings had been given them expressly by the will of God. On the stated assumption that there were many verses of scripture which granted such authority, the author declared that:

. . . kynges have theyr power immediately of god. And that they judge the worlde: that al that be within their dominions are their subiectes, and owe to obeye them, and neyther byshop or prieste is not excepted in any of these textes.<sup>75</sup>

It hardly needs to be pointed out that the author took great liberties with historical and scriptural evidence; nevertheless, the intention was to grant as large as possible a share of authority to the king. This appeal to the early history of the church for evidence that could be damaging to the pope and to support the innovations that were being instituted in England became a principal ingredient in the more sophisticated apologies of the Anglican church.

The writer proceeded from the historical introduction to a definition of the powers of a general council. He granted the assembly the authority to declare the true catholic faith according to the rules of scripture, to announce what was contrary to scripture, and to clarify doubtful or unclear passages of scripture. The council was to decide which books were canonical.<sup>76</sup> What was envisioned was a court with a prerogative to interpret scripture, in addition to the idea of using the

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<sup>74</sup>ibid., sig. B 7<sup>r</sup> (numbering ours).

<sup>75</sup>ibid., sig. A 6<sup>r</sup> (numbering ours).

<sup>76</sup>ibid., sig. B 7<sup>v</sup> (numbering ours).

council to condemn the pontiff and declare him a heretic. The power that the writer grants to a general council is very small, and in a Protestant setting, irrelevant: if each believer is a priest defining scripture for himself, one must ask why a council would be necessary. Having defined the powers of a general council as narrowly as possible the writer turned to the problem of church discipline.

The author was quite emphatic in denying any coercive role that a council might claim. The "power of sword" was to remain firmly in the grasp of the king, not the council. Citing Ecclesiastes 5:9 as divine proof of the idea that a king was to command all that is within the realm, the treatise concluded that it was contrary to scripture for another power to command subjects within the realm. Again, scripture was used to buttress the writer's position: "What so ever ye bynde uppon erthe, not offending scripture, ne the power that is gyven to kynges by the lawe of god, shal be bounded in heaven."<sup>77</sup> That the author had misconstrued the meaning of the passage and misquoted it as well was beside the point: councils were to declare the faith in accordance with the scriptures; kings were to correct evildoers by their God-given authority.<sup>78</sup> What would happen in the event of a conflict between these two institutions?

If a Christian king lived against scripture to the "hurte of his own soule" and the evil example of his subjects, the general council might declare that his life was contrary to scripture, but it could not take action against him, nor could his subjects; at best, they could only pray to God for relief.<sup>79</sup> Furthermore, in those things which relate

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<sup>77</sup>ibid., sig. B 8r (numbering ours).

<sup>78</sup>ibid., sig. B 8v (numbering ours).

<sup>79</sup>ibid., sig. C r (numbering ours).



to the practice of the church, but which were not based directly upon scripture, such as ceremonies and holy days, it was the duty of the king to direct and prescribe, for the only things that a general council could legitimately deal with were matters of scripture.<sup>80</sup> The writer denied any power to the council to discipline princes, denied it any power to discuss matters that did not relate to scripture, and prescribed the conduct of adiaphorous ceremonies of the church to be under the direction of the king.

Chapter six of the treatise, titled "Of such councils as have ben kept in tyme past by the power of the bishops of Rome, and of the clergie, and have been called general councils," argued that the bishop of Rome, as a subject of the emperor, could not be above him or command him without violating Scripture. The bishop of Rome had erred when he called councils that ordered and judged princes,<sup>81</sup> and he had erred when he claimed that the priests and bishops constituted the infallible church. The pope and the clergy were not the church, the treatise stated, the church was "the congregation of all the faithful people;" none could claim that Christ had died only for the clergy, he had died for his church.<sup>82</sup> Such a definition of the church is Protestant and Lutheran in its emphasis upon the congregation of the faithful.

The seventh chapter of the treatise explains that the early apostles did not order each other to come to a council, neither was there any one who was the head of the apostles.<sup>83</sup> In the council of Jerusalem

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<sup>80</sup>Ibid., sig. B 8<sup>v</sup>-C r.

<sup>81</sup>Ibid., sig. C 2<sup>v</sup>-C 5<sup>r</sup>.

<sup>82</sup>Ibid., sig. C 6<sup>v</sup> (numbering ours).

<sup>83</sup>Ibid., sig. D r.

nothing but charity was used for persuasion, with no threat of force to bend individuals to the will of the council.<sup>84</sup> The conduct of the pope as the head of the Christian church would astound the members of the Apostolic age. His "perfection" certainly did not reflect the lowly and meek Christ who never excommunicated anyone.<sup>85</sup> Having made the unenviable comparison between the conduct of Christ and that of the pope, the author concluded that it would be better for the Christian church if princes were to call councils into session. Certainly such councils would be better than many that the See of Saint Peter had convened.<sup>86</sup>

This book represents an attempt to enlarge the power of the king by placing the theoretical limits of his power as far as they could be pushed. The writer takes every opportunity to punish Rome, the "whipping boy" of the Reformation. His careless use of the Scripture could have deceived few. It was not the polished work of logic of a humanist writer. Yet, all these comments aside, it contains essential elements of Marsilian conciliar thought, adapted to the needs of the English crown.<sup>87</sup> The king of England would use these ideas in his own writings; the emphasis upon the power of convening a general council and issues of papal and princely authority are in the mainstream of Henry's conciliar thought.

Henry VIII wrote a short treatise attacking the idea of calling a council at Mantua,<sup>88</sup> titled Sententia de Concilio. The English version,

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<sup>84</sup>Ibid., sig. D 1<sup>v</sup>-D 2<sup>r</sup>.

<sup>85</sup>Ibid., sig. D 2<sup>v</sup>-D 3<sup>r</sup>.

<sup>86</sup>Ibid., sig. D 3<sup>v</sup>.

<sup>87</sup>Gewirth, Marsilius, pp. 267-298, book 2, chapters XVIII-XXI.

<sup>88</sup>It was written before Paul III decided to postpone the council

translated by Richard Morison,<sup>89</sup> was titled A Protestation that Neither His Highness nor His Prelates are bound to come to Mantua.<sup>90</sup>

Opening with an attack on Pope Paul III, Henry's Protestation accused Rome of planning a meeting composed in such a way that no Christian prince (Henry) would dare come. The bishop of Rome had made it appear that he wanted a council to meet, the king argued, yet nothing could be further from the truth--Paul III feared a general council.<sup>91</sup> The bishop of Rome lacked the authority to call princes to a council; moreover, no dissenters would dare go to Mantua since it was in Italy, the pope's stronghold. Because of the location, the representatives of truth would be absent from the council. Under those circumstances the council would not benefit Christianity.<sup>92</sup> Furthermore, Henry declared, nothing good could come from those prowlers for profit, the pope's men.<sup>93</sup>

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due to the problem of securing an armed force to defend the city, thus the book had to be modified by adding a section discussing the postponement. It was printed before the pontiff called for a council to meet at Vicenza; that is, before October, 1537.

<sup>89</sup>L & P, XII pt. 1, 1310-1311.

<sup>90</sup>Henry VIII, A Protestation made for the most Mighty and Moste redoubted Kynge of Englande. AC. and his hole Counsell and Clergie, wherein is declared, that neither his hyghenes, nor his prelates, neyther any other prynce, or prelate, is bounde to come or sende, to the pretended councell, that Paule, byshoppe of Rome, first by a bul indicted at Mantua, a citie in Italy, A nowe a late by an other bull, hath proroged to a place, no man can telle where (London: Thomas Berthelet, 1537). Both versions suited Henry's propaganda campaign, the Latin to be read by churchmen or scholars on the continent, the English for domestic consumption. Cf. P. A. Sawada, "The Abortive Council of Mantua and Henry VIII's Sententia de Concilio," Academia, 27 (March, 1960), 1-15.

<sup>91</sup>ibid., sig. A 2<sup>v</sup>-A 3<sup>r</sup>.

<sup>92</sup>ibid., sig. A 3<sup>v</sup>-A 4<sup>r</sup>.

<sup>93</sup>ibid., sig. A 4<sup>v</sup>-A 5<sup>r</sup>.

Henry advanced the possibility that if anything of merit came from the council that had been called he would entertain the idea of introducing those reforms into England, even though he would not be present at the council when they were adopted. However, the decrees of the council would not be mandatory: ". . . if we lyke them, we [will] admytte them, yf we do not, we [will] refuse them. . . ." <sup>94</sup> Although Henry claimed that he was not opposed to a council per se, any assembly that would receive his approval would have to be:

franke and free, where every man, without feare, may say his mynde. We desire that it be an holy Councell, where every man maye go about to set up godlynes, & not apply all their study to oppressing of trouthe. We woll it be generall. . . . <sup>95</sup>

It would be a "generall" council only when dissenters from Rome's rule would be free to participate, according to Henry's definition. <sup>96</sup>

Since the chief issue at the council was to be the trial of the pope, it seemed unreasonable to Henry that the pontiff judge himself. <sup>97</sup> In previous times the emperor, kings, and princes had convened councils. Later, the author asserted, the bishop of Rome had usurped that right. <sup>98</sup> While two of Europe's most prominent princes, Charles V and Francis I were at war, the pope had called a council without consultation, at a time when it could not possibly meet. <sup>99</sup> Thus disregarding the authority

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<sup>94</sup> Ibid., sig. A 6<sup>v</sup> (numbering ours).

<sup>95</sup> Ibid., sig. A 7<sup>r</sup> (numbering ours).

<sup>96</sup> Ibid.

<sup>97</sup> Ibid., sig. A 7<sup>v</sup> (numbering ours).

<sup>98</sup> Ibid., sig. A 8<sup>r</sup> (numbering ours).

<sup>99</sup> Ibid., sig. A 8<sup>v</sup>-B <sup>r</sup>.

of the secular powers, the pope was engaged in a futile, destructive action.

In addition to the continuing threat of war, Henry listed other objections to the council that Paul III had called. The city of Mantua was too small to accommodate the meeting, and too close to the papal states. The meeting place was far from England. The dangerous journey posed a threat to the safety of the English who might go there. In an obvious reference to the treatment of Huss at the council of Constance, the king declared that any safe-conduct for his representatives that was issued by the pope could not be trusted. In addition, Pope Paul III hated the English for throwing off his usurped authority. He was, according to Henry, an enemy; how then could the king receive justice from a council convened by such a man?<sup>100</sup>

There was some truth in the charges that Henry advanced. While Mantua had been chosen to satisfy the demand that the council be held in a city that was free from political control of the pope, it was indeed too small to accommodate such a meeting. However, although Paul hated the heretics in England, he probably would have honored any safe-conduct that was issued from Rome. One suspects that Henry had no intention of going in the first place, that his objections were attempts to justify a position taken for other reasons; he feared the consequences of a conciliar condemnation of his divorce proceedings and all the measures against the old religion that his parliament had passed.

The tone of Henry's writing shifted abruptly in mid text when he received the news in July, 1537, that Paul III had issued a Bull of

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<sup>100</sup>ibid., sig. A 8<sup>v</sup>-B 4<sup>v</sup>.

prorogation, delaying the opening of the council.<sup>101</sup> The obstructionism of Francis I,<sup>102</sup> and the demands of Frederigo, Duke of Mantua,<sup>103</sup> had made the idea of holding a council at Mantua impossible. Henry seized the issue of delay as the closing piece of evidence to show that Paul had never intended to hold the meeting in the first place. Since the Bull failed to name a city where the council would convene after the delay, Henry announced triumphantly that Paul did not intend to name one.<sup>104</sup> Henry pointed out that even if the pontiff did want a council, if the pope appointed one of his Italian cities as the place where the meeting would be held, then the English would not send their representatives because of the danger to their lives. If, on the other hand, Paul were to choose a city out of his control, the council would fail to materialize just as had been the case with Mantua.<sup>105</sup> It was clear that the pope could not bring a council into being. Henry urged the emperor and other Christian princes to take the initiative and convene a "free" council.<sup>106</sup> In the absence of a general council, Henry called upon other princes to proceed to reform the church within their national boundaries through the use of provincial synods.<sup>107</sup> The tract pushed the notion of princes convening a general council with the same logic that had been used in the

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<sup>101</sup>ibid., sig. C 2<sup>v</sup>.

<sup>102</sup>Jedin, Trent, I, p. 324.

<sup>103</sup>ibid., pp. 325-326.

<sup>104</sup>Henry VIII, Protestation, sig. C 3<sup>r</sup>.

<sup>105</sup>ibid., sig. C 3<sup>v</sup>-C 4<sup>r</sup>.

<sup>106</sup>ibid., sig. C 5<sup>r</sup>.

<sup>107</sup>ibid., sig. C 6<sup>v</sup> (numbering ours).

Treatise Concernynge Generall Counciles. The ideas were more dogmatic, the jokes about the pope were tinged with acid; the burning hatred that this passionate prince was capable of was clearly displayed.

The English king meant for the book to be read as widely as possible. It was distributed free at the Frankfurt Fair, and circulated throughout Germany.<sup>108</sup> A letter of the bishop of Modena, then papal nuncio at Vienna, referring to the Sententia said in part: "The king of England's invective against the Councils is everywhere read. . . and greatly alienates everyone from the pope." The nuncio further stated that it had been reprinted in Germany.<sup>109</sup> The Lutheran theologian, Melanchthon, was amazed. In a letter to a fellow Protestant, Myconius, he expressed a great deal of surprise at the bitter attack upon the pope and the freedom with which Henry had inveighed upon the intentions of the bishop of Rome.<sup>110</sup> A letter to Henry from John Frederick,<sup>111</sup> Duke of Saxony, indicated the duke's agreement with the English refusal to go to the council. The evidence available supports the contention that Henry's Sententia had considerable impact due to its wide dissemination in Europe; indeed, Henry used the book in his diplomacy with the continental powers.

When Francis I and Charles V were conferring on a peace settlement that would have ended their current war, Henry became concerned that the prospects for a general council meeting at a new location, Vicenza,

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<sup>108</sup>Jedin, Trent, I, p. 335.

<sup>109</sup>L & P, XII pt. 2, 1001.

<sup>110</sup>Ibid., 844. Dated October 6, 1537.

<sup>111</sup>Ibid., 1088.

had greatly improved, with the increased danger of a conciliar condemnation of his actions. He did put up a bold front before Chapuys and Don Diego de Mendoza, the envoys of Charles V, declaring that he was not afraid of anything that a meeting of the pope, the emperor and the most Christian king would produce.<sup>112</sup> Yet, with some hope of changing the outcome of such a meeting, Henry sent two men, Edmund Bonner and Simon Heynes, to the court of Charles, in Nice. Their instructions were to remind Charles how Rome had usurped princely powers, and to ask him to consider carefully what a general council really was, before siding with Paul III. The two men were instructed to ask:

by whom a counsaill shuld be indicted; what order shuld be observed in yt; how bisshopps of Rome have abused the good institution and ordenaunce of Counsailes; what dishonor it shalbe for th[e] Emperor to come at the calling of Him, whoo by Goddes ordenaunce is and ought to knowlege Himself, his subject; and what displeasure myschief and inconvenience hath ensued to Christendome by suche Counsaillles. . . .<sup>113</sup>

To guide the envoys in their discussion they were to refer to the Sententia and to other books on the council.<sup>114</sup>

The king hastily composed a letter titled Epistola ad Carolum which was to be used when Bonner and Heynes arrived at Nice. The English version, titled An Epistle to the Emperor, reiterates much that had been said previously in the Sententia, referring the reader to that work when a section in the Epistle did not treat a particular argument at

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<sup>112</sup>Pasqual De Gayangos, (ed.), Calendar of Letters, dispatches, and State Papers Relating to the Negotiations between England and Spain preserved in the Archives at Simancas and Elsewhere. Vol. V part II (London: Eyre and Spottiswoode, 1888), p. 525.

<sup>113</sup>Record Commission, State Papers, I, pp. 23-25.

<sup>114</sup>L & P, XIII pt. I, 695.



length.<sup>115</sup>

The Epistle opened with a challenge to the reader to reach out and embrace the truth that had long been hidden in captivity.<sup>116</sup> Henry's argument began with the statement that there was no one who wanted a council to meet more than he did. The English considered the possibility of abuse of such an institution a most dangerous threat to the Christian commonwealth.<sup>117</sup> Since councils were supposed to be general, they should allow all men to speak and take part.<sup>118</sup> A council could not be general, however, if the same parties were the judges and the defendants. Henry declared that it was contrary to the laws of nature to give one's enemy the means to destroy his own realm, for to do so would violate the right to self defense.<sup>119</sup>

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<sup>115</sup>Henry VIII, An Epistle of the Moste Mighty & redouted Prince Henry the VIII by the grace of God kyng of England and of Fraunce, Lorde of Ireland, defender of the faithe, and Supreme heed of the Churche of England, nexte under Christe, Written to the Emperours maiestie, to all Christen Princes, and to all those that trewly and syncerely professe Christes religion (London: Thomas Berthelet, 1538). Cited hereafter as the Epistle. Quotations will be from the English translation to the exclusion of the Latin version. Again, Richard Morison was involved in writing the king's propaganda. L & P, XIII pt. 1, p. 270.

<sup>116</sup>Ibid., sig. A 1<sup>v</sup>. "In this epistle bothe the causes are playnely declared, why the kynges hyghenes owght neyther to send nor go to the counccill indicted at vecence, and also, how perylouse a thinge it is for all suche as professe the trewe doctrine of Christ, to come thether: Herevnto also in annexed the Protestation made the last yere by the kynges hyghenes, his holle counsayle and clergie as touching the Counccille indicted at Mantua &c. Rede bothe o Christen Reader, thruthe is comynge home, longe Afore beyng in captyvytye, steppe forth and meet her by the waye: yf thou see her presente, embrace hir, and shewe thy selfe gladde of her retourne."

<sup>117</sup>Ibid., sig. A 3<sup>r</sup>.

<sup>118</sup>Ibid., sig. A 3<sup>v</sup>.

<sup>119</sup>Ibid., sig. A 4<sup>r</sup>.

Succeeding pages of the Epistle were devoted to an attack upon the bishop of Rome's "usurped" powers which had, it was alleged, infringed upon the prerogatives of princes.<sup>120</sup> Also, Henry pointed out, those who had planned to go to Mantua the previous year would not go again, and look foolish twice; the pope not only usurped princes' powers, but mocked them. The war against the Turks that was being waged at the time would surely be an impediment for the council to convene at Vicenza.<sup>121</sup> Of course, there was no mention of the fact that there would be no war between Francis and Charles to impede the progress of the assembly! There is a hint of an old grudge in the following words, "We wol in noo case make hym our arbyte[r], whiche not many yeres paste, oure cause not hard, [the divorce] gave sente[n]ce ageinste us."<sup>122</sup> The English king poked fun at the pope for not being able to overcome the obstacle that a little Duke in the city of Mantua had placed in the way of convening a council the previous year. Why, asked Henry, was not the Duke excommunicated for his action? Could not kings refuse to obey the bishop of Rome's call to come to the council at Vicenza if a Duke could refuse to host the meeting with complete impunity?<sup>123</sup> On the other hand, the English would not come to any council held in one of Pope Paul's cities because it would be unsafe to enter a city controlled by one of England's sworn enemies.<sup>124</sup>

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<sup>120</sup> Ibid., sig. A 4<sup>v</sup>-A 5<sup>r</sup>.

<sup>121</sup> Ibid., sig. A 5<sup>v</sup>-A 6<sup>r</sup> (numbering ours).

<sup>122</sup> Ibid., sig. A 6<sup>v</sup>-A 7<sup>r</sup> (numbering ours).

<sup>123</sup> Ibid., sig. A 7<sup>v</sup>-A 8<sup>r</sup> (numbering ours).

<sup>124</sup> Ibid., sig. A 8<sup>v</sup> (numbering ours).

The Epistle was printed too late to go with Bonner and Heynes when they left England for the continent. A courier, Thomas Barnaby, thirty pounds richer for his exertions, took ". . . certain protestations newly imprinted. . ."<sup>125</sup> to Nice, along with instructions from Henry to burn the books (by Cole and Alesius?) that they had been entrusted with when they had left the king's presence.<sup>126</sup> Apparently Henry had revised the diplomatic methods that he wished to use in his negotiations with Francis I and Charles V. One can well imagine the consternation of Thomas Cromwell when he learned that all of the books could not be destroyed. A member of the diplomatic party, Dr. Thyrylbe, had loaned one of the books on the council that Henry wanted burned to a student in Paris named John Bekynsaw.<sup>127</sup> When Cromwell demanded the book from Bekynsaw, he received a note from the scholar apologizing for the fact that the book could not be returned; the young man had misplaced it.<sup>128</sup>

The meeting of Charles V and Francis I produced a truce which was supposed to last for ten years. In the peace that followed the truce agreement the plans for the council of Vicenza were allowed to lapse; like the proposals for the council of Mantua, the assembly in the Venetian city never materialized. Charles V had changed his policy from the idea of calling a council to solve the problem that Lutheranism posed for his empire to a program of reconciliation--an attempt to secure

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<sup>125</sup>L & P, XIII pt. 1, p. 270, pt. 2, p. 530.

<sup>126</sup>L & P, XIII pt. 1, 840. Could this order, if carried out, explain why "A Declaration of a General Council" is not extant in printed form?

<sup>127</sup>ibid.

<sup>128</sup>L & P, XIII pt. 1, 873.

an agreement between the Catholic and Protestant forces within Germany. This change in imperial policy freed Henry's diplomacy from the need to produce further statements upon the proposed council, for the possibility of a general council actually convening after all the delays that had occurred was so small that the English could afford to ignore that phase of their foreign policy. Pope Paul III revived the issue by calling for a council to meet at Trent in the early 1540's.<sup>129</sup> When the council of Trent finally met in 1545, Henry was too secure to be moved to further action.

Henry VIII was not a conciliarist. He employed the arguments of conciliarists when they suited the needs of his propaganda. He appealed to the institution that had solved the struggles within the Christian church in the previous century, knowing that the ideas of conciliarism were held with great respect by many of the educated men on the continent. The case that Henry argued would have been weakened had he revealed the real sentiments behind the propaganda effort, that England would not allow any general council, or pope, or any other nation to interfere in the religious innovations that the king had introduced. Had the king categorically stated that England would not participate in any council, the danger of war would have been very great. This was a very idealistic age, in which policy was tied to religion rather than exclusively to the principles of national self-interest; the problem of the general council was an issue that Henry had to deal with not only because he claimed to be head of the church in England, but also because there was a threat of invasion should a council condemn Henry and order him deposed from the throne.

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<sup>129</sup>Jedin, Trent, I, pp. 340, 355.

One can safely conclude that Henry's policy was one of obstruction when the proposals to convene a council were made because, though he paid lip service to the idea of a council, his preconditions were never viable. The qualifiers for his assent to a meeting--the time, the place, the composition of the body of representatives, and the presence of the pope--all served as pretexts for refusing to participate in a council.

The expressions of Tudor conciliar theory that have been examined exhibit a remarkable similarity. The ideas that have been described show a development that is easily seen. The early views on the council are simple and tentative. The later expressions are buttressed by appeals to the authority of scripture and the early church fathers. The theories advanced about general councils by the English writers demonstrate a definite commonality of ideas. The common denominators of the early Tudor thought on the council were: the meeting should be convened by the princes. The pope was subservient to the council, and should be a defendant in a council to answer for his misdeeds. The place of the meeting was crucial to the outcome of the council itself. A council posed a threat to England if an adverse judgment was made by that assembly. Finally, the king replaced the pope in most of the functions which had been the prerogative of the bishop of Rome prior to that time.

The prototype, and inspiration of these English writers was the conciliar, reforming ideal of the previous century. What emerged from their work was radically different. What these English writers had done was to adapt conciliar theory to the needs of Henry's religious innovations. What emerged from this adaptation, was a new, different conciliar theory. This view of the council was in fact an English view. One is tempted to say (anachronistic though it is) that this was an

Anglican view of the council, for Henry's creature, Thomas Cranmer, grafted Henrician conciliar thought into the structure of the English church.

## Chapter 2

### THOMAS CRANMER AND THE ARTICLES OF RELIGION

Thomas Cranmer, Henry's pliable archbishop, planted the essence of Henrician conciliar theory within the Edwardian Articles of religion. With the adoption of those Articles by Elizabeth, the infusion of Cranmer's thought on the council into the Anglican church was assured.

Cranmer's position on general councils was virtually inseparable from the crown's position. What Henry VIII published in his propaganda broadsides was what Cranmer also believed. This identity with government ideology makes it difficult to attribute ideas to Cranmer. At the same time it forces one to notice that Cranmer shared with other men a consensus upon this aspect of church policy. Cranmer became important in his own right after Henry's death, when the archbishop had a freer hand to implement his own policy.

There has been reference to the two documents which Cranmer advanced--one signed by certain bishops and clergy,<sup>1</sup> and the "Judgment of the Convocation concerning General Councils," of which Cromwell helped gain acceptance in the assembly of divines of the archbishopric of Canterbury.<sup>2</sup> How much initiative Cranmer took in the formulation of

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<sup>1</sup>Thomas Cranmer, Miscellaneous Writings and Letters of Thomas Cranmer, Archbishop of Canterbury, ed. J. E. Cox, XVI, The Parker Society (Cambridge: The University Press, 1866), p. 467. See above pp. 24-26.

<sup>2</sup>Ibid., p. 463.

these ideas depends largely upon how one views Cranmer's role in the Henrician reformation. If he was Henry's hireling, he can hardly be given full credit for the ideas that he championed. His role in the church seems to have hinged upon the desires of Cromwell, whom he addressed as his "very singular good lord." The only conclusion that can be made is that Cranmer, along with others engaged in government, very closely followed the king's sentiments.

In 1582, a reprint of a book supposedly issued during the reign of Mary appeared, titled A Confutation of Unwritten Verities. It was an edited work based on notes that Cranmer had put together; E. P., the anonymous editor and translator, bears some responsibility for the contents. The position that Cranmer took in this book when discussing general councils is typical of his earlier ideas. John Gerson was quoted approvingly, "More credit is to be given to a man that is singularly learned in the Scripture, bringing forth catholic authority, than to the general council."<sup>3</sup> Augustine was made to say that the appeal for authority should not come from councils, which disagree in their conclusions, but from Scripture, which is the impartial arbiter.<sup>4</sup> Gregory of Nazianzen (329-390), addressing himself to Procopius, was quoted as follows: ". . . all assemblies of bishops are to be eschewed. For I never saw good end of any synod, that did not rather bring in evils, than put them away. . . ."<sup>5</sup> In a long section the author noted various canons that had been adopted, but which were not kept or

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<sup>3</sup>Ibid., p. 37.

<sup>4</sup>Ibid., p. 36.

<sup>5</sup>Ibid. Cf. F. Loofs, "Gregory of Nazianzen," The New Schaff-Herzog Encyclopedia of Religious Knowledge (1909), V, 70-72.



enforced. Apparently the argument that could be derived from this catalog of sources was that the decrees of councils were open to abuse by the romish clergy ". . . to fill their own paunches."<sup>6</sup>

Cranmer was very apprehensive of the effects of any general council dominated by the pope. Several letters of the archbishop written to leading reformers on the continent raised the idea of calling a Protestant general council to counterbalance the council of Trent which had been called into session, to meet from May, 1551 to April, 1552. Three letters written in March, 1552 are extant, which clearly show his concern; they are addressed to Henry Bullinger,<sup>7</sup> John Calvin,<sup>8</sup> and Philip Melanchthon.<sup>9</sup> The fullest discussion of the project is in the letter to Melanchthon, who had a theological position nearest to that of Cranmer:

We read in the Acts of the Apostles, that when a dispute had arisen, as to whether those who from among the Gentiles had been turned to God, should be compelled to be circumcised, and keep the law of Moses, the apostles and elders came together to consider of this matter; and having compared their opinions, delivered the judgment of their council in a written epistle. This example I wish we ourselves could imitate, in whose churches the doctrine of the gospel has been restored and purified. But although all controversies cannot be removed in this world, (because the party which is hostile to the truth, will not assent to the judgment of the church,) it is nevertheless to be desired that the members of the true church should agree among themselves upon the chief heads of ecclesiastical doctrine. But it cannot escape your notice, how greatly religious dissensions, especially in the matter of the

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<sup>6</sup>Ibid., p. 40.

<sup>7</sup>Rev. Hastings Robinson (ed.), Original Letters Relative to The English Reformation, Written During the Reigns of King Henry VIII., King Edward VI, and Queen Mary: Chiefly from the Archives of Zurich, Vol. 52, The Parker Society (Cambridge: The University Press, 1866), p. 23.

<sup>8</sup>Ibid., pp. 24-25.

<sup>9</sup>Ibid., pp. 25-26.

Lord's supper, have rent the churches asunder: had they been settled before, the emperor, I think, would never have made war against you. And it is truly grievous that the sacrament of unity is made by the malice of the devil food for disagreement, and (as it were) the apple of contention. I could wish therefore, that those who excel others in erudition and judgment, should be assembled together, after the example of the apostles, and declare their judgment as well respecting other subjects of dispute, as likewise especially respecting this controversy, and attest their agreement by some published document. But you will perhaps say, 'And I also have often expressed the same wish; but this matter cannot be effected without the aid of princes.' I have therefore [consulted with] the king's majesty, who places his kingdom of England at your disposal, and most graciously promises not only a place of security and quiet, but also his aid and assistance towards these godly endeavours. I have written likewise to masters Calvin and Bullinger, and exhorted them not to be wanting to a work so necessary, and so useful to the commonwealth of Christendom. You wrote me word in your last letter that the Areopagites of the council of Trent are making decrees respecting the worship of the host. Wherefore, since the adversaries of the gospel meet together with so much zeal for the establishment of error, we must not allow them to be more diligent in confirming ungodliness, than we are in propagating and setting forth the doctrine of godliness. . . .<sup>10</sup>

Three things need to be observed: Cranmer's insistence upon the convening power of the king by whose authority and under whose sponsorship the Protestant council might meet--under a very weak king--Edward VI; the notion that this council could be used to counter the pope's council; finally, he seemed to think that the issue that needed to be resolved was the varying interpretations of the Lord's Supper in the light of a united Roman Catholic stand on the sacrament of the Mass.

The final piece of evidence that can be advanced to demonstrate Cranmer's thought is the twenty-second article of the 42 Articles which were put forward in 1553 shortly before the death of Edward VI. Again, like so much of his earlier work, this article cannot be said to have been exclusively composed by him, although the general purpose of putting forward a confession of faith had been his intention for some

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<sup>10</sup>Ibid.

time.<sup>11</sup> Because the 42 Articles were not enforced before Edward's death, their importance lies in their adoption by the Elizabethan bishops and their influence in shaping Anglican belief.

Printed under the title of Articles Agreed on by the Bishoppes. . . ., the twenty-second article is titled, "Of the Authority of General Councils." It stated that:

General counsaillies maie not be gathered together without the commaundmente and will of princes: and when thei be gathered (forasmuch as thei be an assembly of me[n], wherof all be not governed with the spirite and woorde of God) thei maie erre, and sometime have erred, not onely in worldlie matiers, but also in thinges pertaineing unto God. Wherefore thinges ordeined by them, as necessarie to Salvation, have neither strength, nor auctoritie, unless it maie be declared that thei be taken out of holie scripture.<sup>12</sup>

The ideas expressed in this article represent the gist of Henrician thought on the general council, divorced from questions of diplomacy and cast into the mold of a doctrinal formula. It should not be surprising that this is so, given the authority that had been granted to the Tudor king as supreme head of the church of England.

A great deal of attention has been given to the sources of the Articles of Religion. The historian Charles Hardwick, the standard source used for all modern studies of the Articles, when confronted with the necessity to discuss the twenty-second article states that the gloss which explains the intent of this piece is a church-law reform project

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<sup>11</sup>Dickens, The English Reformation, p. 251.

<sup>12</sup>Church of England, Articles Agreed on by the Bishoppes, and other learned menne in the Synode at London in the yere of our Lorde Godde MDLII [n.s. 1553] for the avoiding of controversie in opinions, and the establishment of a godlie concorde, in certeine matiers of Religion (London: Richard Grafton, [May] 1553), sig. B 3<sup>r</sup>.

of Cranmer's titled Reformatio Legum Ecclesiasticorum.<sup>13</sup> Unlike Hardwick, Edgar Gibson, when discussing the Thirty-Nine Articles of Elizabeth, correctly pointed out that there was a body of literature during the reign of Henry VIII which shaped the concepts that Cranmer expressed.<sup>14</sup> Unfortunately, Gibson did not go beyond the Sententia of Henry and the declaration of thirteen churchmen and of the Convocation of Canterbury on July 20, 1536, on the subject of general councils.<sup>15</sup> Seemingly unaware of Gibson's tentative conclusions, A. G. Dickens, writing on the Edwardian Articles of Religion indicated the anti-Catholic, anti-Anabaptist slant of the Articles, pointing out the origins of the individual articles with the twenty-second being dismissed only as anti-papal in its intent.<sup>16</sup>

The Edwardian Articles were modified into the Thirty-Nine Articles of Elizabeth. The twenty-second article of the former became the twenty-first of the latter; beyond the change in position there were only minor variations. The 1571 version, the first put into English, was written as follows:

GEneral1 [!] Counsell1es may not be gathered together without the commandement and wyll of princes. And when they be gathered together (forasmuche as they be an assembly of men, whereof all

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<sup>13</sup>Charles Hardwick, A History of the Articles of Religion (London: George Bell & Sons, 1888), p. 102. The Reformatio was a revision of the canon law code which Cranmer had been occupied with. Cf. James C. Spalding, "The Reformatio Legum Ecclesiasticorum of 1552 and the furthering of Discipline in England." Church History 39, no. 2 (June, 1970), pp. 162-171.

<sup>14</sup>Edgar C. S. Gibson, The Thirty-Nine Articles of the Church of England (London: Methuen & Co., 1898).

<sup>15</sup>ibid., pp. 531-534. The last two would have been available to him in 1898 in the volumes of The Parker Society.

<sup>16</sup>Dickens, The English Reformation, p. 253.

be not governed with the spirite and worde of God) they may erre, and sometyme have erred, even in thinges parteining unto God. Wherefore, thinges ordeined by them as necessary to salvation, have neyther strength nor auctoritie, unlesse it may be declared that they be taken out of holy scripture.<sup>17</sup>

The legacy of Thomas Cranmer was, therefore, planted within the very center of the Elizabethan settlement, and behind Cranmer looms the image of his master, Henry VIII.

Upon the firm insistence of the Parliament, pulling a reluctant queen in tow, the Thirty-Nine Articles were to be subscribed by all clergy below the rank of bishop after the Act was passed in 1571.<sup>18</sup> The intent was to force those clergy who harbored "papist" beliefs to expose themselves by refusing to swear an oath subscribing to the Articles. This could be considered part of the Puritan program to cleanse the church of England of all Catholic elements.

John Whitgift, when elected successor to Edmund Grindal as the archbishop of Canterbury, enforced the subscription to the Articles.<sup>19</sup>

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<sup>17</sup>Church of England, Articles whereupon it was agreed by the Archbishops and Bishops of both provinces and the whole cleergie, in the convocation holden at London in the yere of our Lorde GOD. 1562. according to the computation of the Church of Englande, for the avoyding of the diversities of opinions, and for the stablishing of consent touching true religion (London: Richarde Jugge and John Cawood, 1571), p. 14. The previous editions had been in Latin, which indicates that they were not intended for domestic consumption. The differences of the 1553 edition and that of the 1571 printing are as follows:

. . . thei maie erre, and	. . . they may erre, and
sometime have erred, not onely	sometime have erred, even in
in worldlie matiers, but also	thinges parteining unto God.
in thinges perteing unto God.	

The subsequent printing of the Articles, in 1573 by Rycharde Jugge, in 1581 by Christopher Barker, and in 1590 by the Deputies of Christopher Barker exhibit no differences beyond those to be expected: non-standard spelling variations.

<sup>18</sup>Henry Gee and William J. Hardy (eds.), Documents Illustrative of English Church History (New York: Kraus Reprint Corp., 1966), pp. 477-480.

<sup>19</sup>ibid., pp. 481-484.

This stern ecclesiastic was a firm opponent of the insurgent Puritans as well as being staunchly anti-papal.

Besides evidence that the Thirty-Nine Articles were gaining acceptance (or at least outward conformity) from the Anglican clergy, one can point to an increasing trend to use the Articles as a list of beliefs which expressed the entire theological position of the church of England. If such a formula was taken to be the expression of the whole system of beliefs of the Anglican church, one may interpret a work by Thomas Rogers, archbishop Bancroft's chaplain, as an exercise in deductive logic. Rogers' Exposition of the Thirty-Nine Articles<sup>20</sup> reads much like a medieval scholastic treatise. He stated various propositions derived from each of the Articles, proceeding to defend the truth of that proposition, then illustrating erroneous opinions on the same subject, be they from a papist or puritan source. When Rogers examined the content of the twenty-first article, he introduced the best arguments that he could muster.<sup>21</sup> At no time was he prepared to discuss the conditions that led to the adoption of Henry VIII's position towards the general council; Rogers was not attempting to write history or explain how the English church had come into being, but to reinforce a series of Theological propositions. What has been witnessed is the transition from policy, to apology, to axiom, and then to the defense of the axiom.

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<sup>20</sup>Thomas Rogers, The Catholic Doctrine of the Church of England, an Exposition of the Thirty-Nine Articles, ed. J. J. S. Perowne, Vol. 40, The Parker Society (Cambridge: The University Press, 1854).

<sup>21</sup>Ibid., pp. 203-212.

### Chapter 3

#### ENGLISH TRANSLATIONS OF CONTINENTAL THEORISTS

The council of Trent received detailed discussion in English translations of continental authors. While these foreign products differ markedly from the native product, they lack any similarity, one to another, which would enable the contemporary reader to find any grand design or policy decision to bring certain types of European literature on general councils into England. There is no unifying common denominator within these foreign works but that of the contrast to the English writers.

Without denying the differences between the two groups of writers, one must admit that in some cases the English were being influenced by ideas circulating in Europe. It is impossible to know which continental writers had much influence within England unless the limitation of having their work translated and printed in England is applied to them. Obviously, many books were imported, marketed, read, and passed on to other readers. But how many? By imposing a limitation upon the foreign group, by insisting that their work be printed in English, there is some assurance that the book had some impact. If a book appeared, someone thought there was a need for it. If a book went through several editions it can be said that the work had major impact. If the continental author was used for source material within an English writer's argument, the foreign influence would be undeniable.

Marsilius of Padua's Defensor Pacis has been a source of political theory which has been claimed as a major influence upon the Henrician Reformation. This work, translated by William Marshal, was printed in English in 1535.<sup>1</sup> Because Thomas Cromwell paid twenty pounds to support the work of translation, the book has been seen as an official endorsement of Marsilius' position.<sup>2</sup> It could be argued that the work contained useful ideas which could be used to reinforce the Cromwellian program. Such an interpretation is much closer in line with the explanation Marshal appended to the book, defending his decision to put the work in print:

This book was. . . prynted in englysshe. . . to helpe further and profyte the chrysten commen weale, to the uttermost of my power, namely and pryncypally, in those busynesses and troubles: wherby it is and before this tyme hath been injustly molested vexed and troubled by the spyrytuall & ecclesyastycall tyraunt.<sup>3</sup>

The translator argued that this work was useful, as a corrective, to counterbalance the excessive claims of the papacy.

However, Marshal did not take all of the ideas presented in the Defensor with equal value. Because of the particular bias with which he omitted certain sections of Marsilius, sections which tended to reinforce democratic rather than monarchical forms of government, it could be argued that Marshal was adapting, modifying and molding the thought of the Paduan scholar to meet a particular need. Such an argument labels the actions of the translator, in bringing the Defensor

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<sup>1</sup>Marsilius of Padua, The Defense of Peace Lately translated out of Laten in to Englishe, trans. Wylliam Marshal (n.p.: Robert Wyer, 1535).

<sup>2</sup>L & P, VII, 423.

<sup>3</sup>Marsilius, Defense of Peace, fol. 140<sup>v</sup>.

<sup>4</sup>Gewirth, Marsilius of Padua, p. 301, n.47.



Pacis into England, as being pragmatic. The work was useful, therefore it was translated.<sup>5</sup>

Unlike Marsilius, who had lived two hundred years before Henry initiated his quarrel with Rome, a host of Lutheran pamphleteers and preachers were agitating against the pope. One writer, Urbanus Rhegius, a German reformer and Lutheran superintendent of the duchy of Luneburg, authored a book titled The Olde Learnyng and the New.<sup>6</sup> This work, one of seven titles he wrote which were published in England, went through three editions, indicating a favorable reception from the public.

Rhegius contended that the "new" learning was that of the papacy, while that of the Protestants was the "old" learning; "old" because it was in harmony with the ancient church. This distinction between the "old" and "new" was continued in his discussion of general councils. Outlining the position of the "new," or papist, position on the council, Rhegius contended that the Catholic church placed too much authority in that institution:

If the authoritee of counsels bee dispised, all thynges in the church shall be doubtful and uncertain, for the heresies that were ones condemned in the coun[s]els shall come ageyn. Therefore it is not lawfull unto a private man, to affirme or teach any thyng against the counsels. For the Counsell is gathered

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<sup>5</sup>See the interpretations by Dickens, The English Reformation, p. 110; Hughes, Reformation, I, p. 226; Baumer, Early Tudor Theory, p. 53; Gewirth, Marsilius of Padua, p. 4, n5, all of which agree that the thought of Marsilius is a major force in the English Reformation.

<sup>6</sup>Urbanus Rhegius, The Olde Learnyng and the New, Compared together wherby it may easely be known which of them is better and more agreying wyth the everlasting word of God Newly corrected and augmented by Wylliam Turner (London: Robert Soughton, [1548]). Cf. Paul Tsachackert, "Rhegius, Urbanus," The New Schaff-Herzog Encyclopedia of Religious Knowledge (1909), X, 22-23.

together in the name of Christe, it is ruled by the holy ghoste, and there[f]ore it erreth not, so that the constitution of the Counsell be the Constitutions of the Catholike Church, whom the counsell doth represent. But those thynges that the church ordaineth, are as well to be observed and kepte, as the canonically scripture. Neither is it needful that the counsell adde or put testimonies of scripture to his determenacions, saying that thapostles & the elders dyd not stablish the fyrst counsell holden at Jerusalem with scriptures.<sup>7</sup>

Rhegius placed the Catholic church in the position of upholding the authority of the general council above that of scripture to the point of forcing a statement of infallibility from the "new" position.

Having placed the Catholic position before the reader, the author examined the "new spirits," proposing to test them with Scripture. He contended that if the Holy Ghost were to be found in general councils as well as within holy writ, the two would have to be in agreement. By a series of examples he showed what he believed to be inconsistencies between the two.<sup>8</sup> Rhegius concluded that councils did err, were not infallible, because they had been in disagreement with the Bible. Councils' decisions were limited by Mosaic law and by the New Testament, he believed, for their commands should be based upon the Divine Word. He cited Gerson approvingly to the effect that a man armed with the authority of canonical scripture must be believed more than the declaration of the pope or of the general council.<sup>9</sup>

Rhegius' mentor, Martin Luther, made many statements on the general council which could have been translated and printed in England;

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<sup>7</sup>The Olde Learnyng, pp. 2-3. There is no pagination. Our pagination refers to a page number in the chapter, "On Councils."

<sup>8</sup>Ibid., pp. 3-4 (numbering ours).

<sup>9</sup>Ibid., p. 5 (numbering ours).

On the Councils and the Church, written in 1539, is only one example.<sup>10</sup> Surprisingly, nothing is found in English from the pen of the Wittenberg reformer on the general council.

If Luther was not available to the reader, an obscure polemical work used by Louis XII in his fight with Pope Julius II certainly was. Translated by John Gough in 1539, The Abbrevyacion of all General Councils has no logical place in a discussion of English thought on the general council.<sup>11</sup> What is of interest is the translator's motivation, which becomes apparent in the preface. Gough, "dwellynge in Lumbarstrete agaynst the stockys market," had translated the book from the French to show the usurpation of princes' powers that had been done by the bishops of Rome, and how Julius had attacked Louis and caused others to go to war against the French. It was the translator's hope that the book would unite the people behind Henry VIII to resist the bishop of Rome.<sup>12</sup> "Pseudo History" could thus be used as a weapon to further the needs of the anti-papal faction.

A more respectable historical study became available when Johannes Sleidanus' Commentaries was translated in 1560.<sup>13</sup> This

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<sup>10</sup>Theodore Tappert (ed.), Selected Writings of Martin Luther, IV (Philadelphia: Fortress Press, 1967), pp. 201-370.

<sup>11</sup>John Le Maire, The Abbrevyacyon of all generall councellys holden in Grecia, Germania, Italia and Gallia compyled by John le Maire de belges most excellent historyograffer to kynge Lowys the xij of late french kynge dedycated to the sayd kyng Lowys. Anno dni. 1519, trans. John Gough (London: John Gough, 1539).

<sup>12</sup>Ibid., sig. A 2<sup>v</sup>-A 4<sup>v</sup>. In all the polemical tracts surveyed, this one ranks the lowest. It is a travesty: at one point the author used the humanist Lorenzo Valla as a source for a discussion of the Donation of Constantine without realizing that the donation had been branded a forgery.

<sup>13</sup>Johannes Sleidanus, A Famous cronicle of oure time, called

comprehensive work, dealing with the political and religious events of the early sixteenth century, by an experienced diplomat, was given a hostile reception by Catholics and Lutherans alike.<sup>14</sup> Sleidanus' even-handed treatment of the struggles between the Italian and German versions of the true faith, his criticism of both sides for their obstinacy, the censure he applied to the warring camps of Europe, none of these dampened his reception in England.<sup>15</sup> The Commentaries went through three editions, and were a favorite source of John Foxe in the writing of his Acts and Monuments. Unfortunately, it was to be many years before the balance and objectivity of such a historian as Sleidanus became part of the historiographical canon.

Also in Elizabeth's reign, a book was translated into English titled An Oracion of Ihon Fabritius Montanus, contending that the reconvened council of Trent was the spot chosen by the enemy to effect his ambush of truth.<sup>16</sup> He argued that the council should be held in a German land because the Romish court could not be trusted.<sup>17</sup> A small group of "counterfeit" bishops who called themselves a council that was

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Sleidanus Commentaries, concerning the state of religion and common wealth, during the raigne of the Emperor Charles the fift with the Arguments set forth before every booke, conteyninge the summe or effecte of the book following, trans. John Daus (London: John Daye, 1560).

<sup>14</sup>G. Kawerau, "Johannes Sleidanus," The New Schaff-Herzog Encyclopedia of Religious Knowledge (1909), X, 455-456.

<sup>15</sup>Ibid.

<sup>16</sup>Johannes Fabricius Montanus, An Oracion of Ihon Fabritius Montanus Whereby he teacheth that Christian men cannot resort to the Council of Trent, without committing an haynous offence, trans. L. A. Newelye (London: Humfrie Toye, 1562), sig. A 5<sup>r</sup>.

<sup>17</sup>Ibid., sig. A 7<sup>r</sup>-A 7<sup>v</sup> (numbering ours).

general and apostolic should not be allowed to confuse the truth.<sup>18</sup> Furthermore, no one could trust a safe-conduct that such a group of rascals issued because they were not a lawful assembly.<sup>19</sup> If the pope was the one that had the authority to issue a safe-conduct he could always change his mind. Without a valid safe-conduct no one would be safe to try to convince the papacy of its errors.<sup>20</sup> Besides the fact that the safe-conducts issued by the papacy could not be trusted, they also varied in their printed form according to the place to which it was issued; therefore, the papacy could be accused of making different grants of safe passage to differing groups.<sup>21</sup> Montanus stated that the council of Trent was " . . . assembled together not to open & make manifest the truth, but to hide and darken the same, not to reforme & amend the church but to deforme a deface ye same. . . ."<sup>22</sup> The pope was intent upon reducing everyone to his power, the Oracion asserted.<sup>23</sup> The author quoted the text of the oath that bishops had to swear, which upheld the papacy, as proof that the council was subservient to the pope and as evidence that Trent had become a tool to be used to exterminate Lutherans.<sup>24</sup> The writer stated that the only source of truth that did not err was Scripture.<sup>25</sup> To prove his point, he argued that a council had condemned

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<sup>18</sup>Ibid., sig. A 8<sup>r</sup> (numbering ours).

<sup>19</sup>Ibid., sig. A 8<sup>v</sup>-B 1<sup>r</sup>.

<sup>20</sup>Ibid., sig. A 1<sup>r</sup>-B 2<sup>r</sup>.

<sup>21</sup>Ibid., sig. B 2<sup>r</sup>-B 3<sup>r</sup>.

<sup>22</sup>Ibid., sig. B 4<sup>r</sup>.

<sup>23</sup>Ibid., sig. B 6<sup>r</sup> (numbering ours).

<sup>24</sup>Ibid., sig. B 6<sup>r</sup>-B 8<sup>r</sup> (numbering ours).

<sup>25</sup>Ibid., sig. C 4<sup>r</sup> (numbering ours).

Jesus to die.<sup>26</sup> Finally, he reminded the reader of what had happened to John Huss and Jerome in Prague.<sup>27</sup> The conclusion that he drew was that no one should go to the council of Trent; it was a trap.<sup>28</sup>

Montanus moreover countered the argument that some good might come from presenting a confession of faith at Trent by saying that the Bible, in Matthew, had warned that men would deliver the Lord's disciples to be scourged in the councils and synagogues. However, the Scriptures had never ordered anyone to go and deliver himself to the enemies of truth.<sup>29</sup> Thus, their safety threatened, Protestants were not bound to go to the council of Trent.

Almost as an afterthought, Montanus argued that no one should be the judge and the one called for judgment.<sup>30</sup> This is a similar position to that taken by the anonymous work "A Declaration of a General Concile," and in Henry's Sententia. The Oracion concluded with an appeal: if this council were supported the Protestants would arm the pope against their own princes;<sup>31</sup> if they went, it would offend other princes who did not go, making those princes hate the Lutherans more. ". . . This the princes of Germany understood wel enough who in their last meeting at Neoburg [Naumburg] did stoutly reject the stinking request of the pope. . . ." <sup>32</sup>

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<sup>26</sup>Ibid., sig. C 6<sup>v</sup>-D 1<sup>r</sup>.

<sup>27</sup>Ibid., sig. D 1<sup>r</sup>.

<sup>28</sup>Ibid., sig. D 2<sup>r</sup>.

<sup>29</sup>Ibid., sig. D 4<sup>r</sup>-D 5<sup>r</sup>.

<sup>30</sup>Ibid., sig. D 5<sup>v</sup> (numbering ours).

<sup>31</sup>Ibid.

<sup>32</sup>Ibid., sig. D 6<sup>r</sup> (numbering ours). The assembly at Naumburg

Montanus stated very clearly that he did not oppose a legitimate council. If such a legitimate assembly were called he could only refuse it at the risk of offending God and man.<sup>33</sup> Given the nature of the times, he suggested that the princes of Christendom should sponsor national synods for the reform of their churches. These national councils would be free from fear. Presumably, this proposal would encompass the German states as well as others, for he stipulated that it should admit foreigners, and that the passage to the council should be kept safe for those going and leaving the council. The speeches and elections in such should be free. Furthermore, he argued the conduct of the council should be based upon Scripture and Christian charity.<sup>34</sup>

Some of the ideas clearly set forth in Henry's Sententia appear as the essential ingredients in Montanus' book. First, the possibility of endangering the lives of the nation's representatives, either in their journey, their accommodations, or by a violation of the safe-conduct. Second, that Trent was the instrument of the pope, which should be opposed by convening a counter-council assembled by the authority of the princes of Christendom. Finally, Montanus repeated the familiar argument that a defendant should not sit in judgment of his own case.

Two works that will be considered in what follows differ radically from previous books that were translated and introduced into England. They do follow a specific formula, one that John Calvin used in his Acta Synodi Tridentinae Cum Antidoto, in that they examine each decree of the

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will be discussed in a later chapter.

<sup>33</sup>Ibid., sig. D 7<sup>r</sup> (numbering ours).

<sup>34</sup>Ibid., sig. D 8<sup>r</sup> (numbering ours).

council of Trent and then refute the theological principle embodied in that decree.<sup>35</sup>

The first work, written in Latin by Matthias Flacius Illyricus, then translated into English, was A Godly and Necessarye Admonition. . ..<sup>36</sup> This book printed each of the decrees and canons that were published by the council of Trent, after which the author argued that the decree in question was in error. Justification by faith, purgatory, the sacraments--the mass and communion got special notice--reform of the clergy, and other topics received Flacius' attention. His conclusion was that since the council of Trent had not reformed the church, the job should be accomplished by the secular arm, the princes of Christendom.<sup>37</sup>

John Strype, writing a century later, did not know the authorship

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<sup>35</sup> John Calvin, Acts of the Council of Trent with the Antidote, Calvin's Tracts, Vol. III, trans. Henry Beveridge (Edinburgh: The Calvin Translation Society, 1851), pp. 17-188.

<sup>36</sup> A godly and necessarye admonition of the Decrees and Canons of the Counsel of Trent, celebrated under Pius the fourth Byshop of Rome, in the years of our Lord. M.D.LXII and M.D.LXIII. Wrytten for those godly disposed persons sakes, which looke for amendment of Doctrine and Ceremonies to bee made by generall counsels, Lately Translated out of Latine (London: John Day, 1564). This is a translation of the work Pia et necessaria admonitio de Decretis et Canonibus Concilii Tridentini, sub Pio Quarto Anno &c, 62&63 Celebrati. Scripta in Gratiam piorum hominum, qui emendationem Doctrinae et Caeremoniarum in Ecclesia per Concilia faciendam expectant (Frankfurt: Peter Braubach, 1563), attributed to Matthias Flacius Illyricus by Wilhelm Preger, Matthias Flacius Illyricus und seine Zeit (Nieuwkoop: B. de Graaf, 1964), p. 563. M. M. Knappen, Tudor Puritanism (Chicago: University of Chicago Press, 1965), p. 185, calls this work a "contemptuous commentary" by the English Protestants against the reforming efforts of the Catholic church, implying that the inability of the Puritans to make an alliance with the Catholic church led to fruitless efforts to cleanse the Elizabethan church of abuses that Trent had already abolished within the Roman system. That statement implies that A Godly. . . is an English work, and that the Puritans did not know who they were opposing when they attempted to carry out their reforms. Neither implication is supported by the evidence.

<sup>37</sup> Ibid., p. 123.



of A Godly and Necessarye Admonition.<sup>38</sup> By discussing it in the context of events in 1564 he implied that the work had its origin with archbishop Matthew Parker. No evidence is available to indicate the significance of this work, although one is inclined to think that it was minimal. That the printer represented some form of endorsement by the English church cannot be denied, for John Day published most of the books for the church.

A translation limited to one section of Martin Chemnitz' Examination of the Council of Trent provided English readers with a sample of this Lutheran divine's thought.<sup>39</sup> Burdened with extensive quotations from Scripture and the early church fathers, the book attempted to refute one of the central concerns of the council of Trent: that of tradition and its proper relationship to Scripture. The work ended with Chemnitz' own conclusion of whether tradition had any binding force upon the church:

. . . Such rites or observations as are consonant and agreeable to the Scripture, are rightly retained, but as for such as are repugnant to the scripture, with just judgement, and not with any rashnesse, are rejected and abolished. . . .<sup>40</sup>

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<sup>38</sup>John Strype, Annals of the Reformation and Establishment of Religion, I, pt. 2 (New York: Burt Franklin, [Oxford: The Clarendon Press, 1824]), pp. 59, 114.

<sup>39</sup>Martin Chemnitz, A Discoverie and batterie of the great fort of unwritten Traditions, otherwise, An examination of the Council of Trent, Touching on the decree of Traditions, Englished by R[ichard] V[enner], (London: Thomas Purfoot, 1582). For a modern English edition see Martin Chemnitz, Examination of the Council of Trent, I (St. Louis, Mo.: Concordia, 1971); cf. Arthur Carl Piepkorn, "Martin Chemnitz' Views on Trent: the Genesis and the Genius of the Examen Concili Tridentini" Concordia Theological Monthly XXXVII, 1 (1966), 5-37. Piepkorn has done a substantial amount of research which enhances the value of this piece.

<sup>40</sup>A Discoverie, p. 84.

This definition of the validity of tradition is in opposition to those Protestants who rejected all tradition.

There is no unifying thread connecting any of the books that have been surveyed to any grand governmental policy or design, or to any specific audience that a printer might know was willing to buy such books in large quantities. Further, there is little similarity among any of the titles in their treatment of the theme of general councils, Trent, or otherwise. The English reader was even spared some of the scurrilous muckraking that was available in Germany in such a title as A Conversation Between Pasquil and German on the forthcoming Council of Mantua, which was written at the same time that Henry VIII composed his Sententia.<sup>41</sup>

The variety of European opinion on the general council that was available in England shows clearly that the English reader need not have been isolated from continental ideas. Surprisingly, most of the literature has a Lutheran or moderate, rather than a Reformed, point of view.

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<sup>41</sup>Robert Kolb, "A Conversation Between Pasquil and German: Theological mood and method, 1537," Concordia Theological Monthly, XLI, 3 (1970), 131-145.

## Chapter 4

### ELIZABETH I AND THE COUNCIL OF TRENT

The way in which Elizabeth I responded to the attempts to reconvene the council of Trent gives some insight about the queen's position towards general councils. It was in the diplomatic process of accepting or rejecting the representatives of the pope that ideas on councils were expressed.

Elizabeth, being the child of Anne Boleyn, was never acknowledged by the papacy as a legitimate heir to the throne of England because the divorce of Catherine of Aragon had never been recognized as a lawful process. She was considered an illegitimate child with no claim to the throne. To become a member of the Roman community, she would have had to receive some dispensation from the pope to receive the crown. This gave the queen ample reason to refuse allegiance to the Roman pontiff; her strength was in the Protestant camp by virtue of her birth.

If Elizabeth was determined not to recognize the Roman See there was a marked reluctance to display that intention. When she became queen on November 17, 1558, England was in full accord with Rome. She did little to disturb the situation. Edward Carne, Queen Mary's ambassador to Pope Paul IV, was given instructions that if he were asked how affairs in England were going, he was to reply that a great ambassage

was being sent to Rome to open negotiations.<sup>1</sup> Paul IV did not press for the removal of Elizabeth; in fact, he was not concerned with affairs in England until he received news of the legislation of the first Parliament giving the English queen the title of "Supreme Governor" of the church in England.<sup>2</sup> The Act of Supremacy and of Uniformity was signed into law in May, 1559.<sup>3</sup> Even when this news reached Rome, little was done about it before Paul IV died on August 18. Paul seemed to have been waiting for Philip II, king of Spain, to take the lead by proposing a marriage of the heads of Spain and England, thus repeating the pattern that had been established with Mary, or, failing that, by leading an invasion to bring England back to the fold.<sup>4</sup>

Soon after his election in December, 1559, Pius IV decided to send a representative to England to attempt a reconciliation. Certain Englishmen in Rome suggested that the Abbot of San Solutore, Vincenzo Parpaglia, be sent as the papal nuncio. Parpaglia was thought to be the best man to send to England because of his close association in England with the late cardinal Pole, during the reign of Mary.<sup>5</sup> Upon the death of cardinal Pole, Parpaglia had fled to the continent where

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<sup>1</sup>C. G. Bayne, Anglo Roman Relations 1558-1565 (Oxford: The Clarendon Press, 1968), p. 19.

<sup>2</sup>Ibid., p. 29; cf. Joseph Stevenson (ed.), Calendar of State Papers, Foreign Series, of the Reign of Elizabeth 1558-1559 (London: Her Majesties Stationery Office, 1865), 331, 474. Cited hereafter as Cal. S. P. Foreign. Numbers refer to a document unless a page is specified.

<sup>3</sup>G. W. Prothero, (ed.), Select Statutes and other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I (Oxford: The Clarendon Press, 1965), pp. 1-13.

<sup>4</sup>Bayne, Anglo Roman, pp. 36-37.

<sup>5</sup>Cal. S. P. Foreign, 1560-1561, 128.

he had been arrested by the Spanish in Flanders on a charge of spying for the French. Jealous of the French, the Spanish ambassador in Rome, Vargas, objected strenuously to the person that had been chosen for this delicate mission to England. In a dispatch to Philip, in Spain, Vargas relayed the news of the selection of Parpaglia, given to him by the pope at his last audience. Vargas had protested the choice, saying in part:

. . . the said Abbot. . . would be. . . very odious to the Queen, and other people for having been the servant of Cardinal Pole, being very close to him, and because here and there it is known that his allegiance is more with France than with Piedmont, and that he was imprisoned in Flanders. . . .<sup>6</sup>

On May 11, John Shers, resident ambassador in Venice informed William Cecil, Elizabeth's secretary, that Parpaglia was to be the nuncio. He warned that news of the coming of the papal representative would stir up rebellious sentiment among those who might conclude that his mission was a prelude to a return to the Catholic church by the whole nation.<sup>7</sup>

When Parpaglia was appointed, over Spain's objections, the papal letter he took with him on his mission to England seemed to be conciliatory in tone, but it was backed by threatening diplomatic arrangements of which Elizabeth had learned from her representatives abroad. The nuncio's letter promised Elizabeth that the See of Saint Peter would confirm her princely estate and dignity as well as assure the salvation of her soul if she were to return to the bosom of the church. Also, Pius IV told her that the universal church would rejoice if she would bring with her the

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<sup>6</sup>Bayne, Anglo Roman, p. 255. Vargas to Philip II, May 6, 1560, our translation.

<sup>7</sup>Cal. S. P. Foreign, 1560-1561, 74.

whole English nation into the company of brethren.<sup>8</sup>

Soon after Parpaglia arrived in Brussels to secure a safe-conduct to proceed to England, Margaret, the duchess of Parma, Philip's sister, and ruler in the Netherlands, received instructions from Spain that she was not to take any action in helping to get the safe-conduct for him. Philip had secured an agreement from the pope to recall the nuncio, but to save Rome from embarrassment, Pius wanted Spain to arrange for Elizabeth to reject the envoy.<sup>9</sup> Only three months after he arrived in Brussels, Parpaglia was recalled to Rome.<sup>10</sup> Throckmorton, Elizabeth's ambassador in France, duly reported that on his return passage to Rome through France the Abbot had made a ". . . very lewd discourse of the queen, her religion, and proceedings. . . ." <sup>11</sup>

The refusal of the papal nuncio is significant because it conditioned the English response when the next mission, that of Martinengo, was sent from Rome. This refusal set a precedent that was followed on the next occasion. The refusal to receive a second mission was, in turn, closely tied to England's response to the invitation to attend the council of Trent.

With a general peace in Europe following the treaty of Cateau-Cambresis in 1559, Pius proceeded with plans to reconvene the council of Trent in 1562, to carry on with its reform program. The English had a

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<sup>8</sup>Cal. S. P. Foreign, 1560-1561, pp. 42-43. This letter was dated May 5, 1560.

<sup>9</sup>Bayne, Anglo Roman, p. 57. Philip was suspicious that the mission would aid France.

<sup>10</sup>Ibid., pp. 256-257.

<sup>11</sup>Cal. S. P. Foreign, 1560-1561, 737.

great deal of time to formulate a policy to deal with the proposed council.

Elizabeth's envoys in Italy, John Shers and Guido Gianetti, had more reliable sources of information about the forthcoming council than Throckmorton had in France. Throckmorton's information on the calling of the general council was hopelessly confused. At some times he thought the council would include the Protestants of Germany, at other times the assembly was to exclude them. Sometimes the meeting place was to be in Trent, other times he thought it was to be moved to Constance.<sup>12</sup> John Shers had more reliable information, gained by discreet payments to a rival ambassador's secretary in Venice. As early as July 20, 1560, Shers was telling Cecil that representatives from France and Spain were in Rome to discuss the forthcoming assembly.<sup>13</sup> By November, Shers was warning Cecil that Trent had been selected as the place where the council was to meet and that the Bull of Convocation was being composed and would be published soon.<sup>14</sup> The Bull was issued on November 29, 1560, bearing the signatures of the pope and thirty cardinals.<sup>15</sup>

At this juncture the death of the French king, Henry II, threatened to disrupt the negotiations for the reopening of Trent because he had been a strong Catholic, while Francis II, who came to power, was too weak to oppose the Protestants.<sup>16</sup> To counter the pope, the French

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<sup>12</sup>Ibid., 254, 345.

<sup>13</sup>Cal S. P. Foreign, 1560-1561, 349.

<sup>14</sup>Ibid., 729.

<sup>15</sup>Ibid., 746.

<sup>16</sup>Bayne, Anglo Roman, p. 81.

had threatened to hold a national synod which was to meet in January.<sup>17</sup> However, the council of Trent had been called to meet in a city that was at least nominally within the empire, making it an acceptable location for the emperor, Ferdinand I. The problem that arose was whether the French would unite with the German Protestants to seek a council that would defy the pope and the emperor. Thus, England was attempting to deal with a fluid situation in France, with the possibility of a German understanding with the French, as well as with the mission of the papal nuncio, Martinengo.

The German princes had assembled at Naumburg to consider what course of action to take. Christopher Mundt represented Elizabeth's interests before this assembly of Protestant leaders. They sent Elizabeth an initial message describing their tentative position which, they pointed out, could not be made officially since not all the members had assembled. Their position was that they were going to adhere to the Augsburg Confession, which expressed their beliefs as well as they understood God's Word. They had not made any statement to the representatives of the pope about the Roman proposal that the German princes join in the general council that had been called to meet at Trent.<sup>18</sup>

The day after Christopher Mundt sent the information described above to Elizabeth, the assembled German princes gave the papal representatives an answer. The English learned the content of that answer very quickly; John Day printed it in full under the title Actes of the Ambassage passed at Naumburg.<sup>19</sup> The Germans' strongly worded reply

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<sup>17</sup>Cal. S. P. Foreign, 1560-1561, 782.

<sup>18</sup>Ibid., 970. (February 6, 1561).

<sup>19</sup>Ibid., 979. The Actes of the Ambassage, Passed at the meating



expressed amazement at the presumptuousness of the pope in summoning them to go to a council. They informed the nuncios that they did not acknowledge the pope's authority nor did they think that it was the right of the "Romish" pope to call a general council.<sup>20</sup> They took great offense at the suggestion that there was variation of religious opinion among them, pointing to the fact that they had presented the Confession of Augsburg to Charles V in 1530, upon which statement they were in complete agreement.<sup>21</sup> The assembled group declared that they owed no allegiance to any power but that of the emperor.<sup>22</sup> To soften the sting, the nuncio, a Venetian, was assured that the assembled princes held his city in high esteem.<sup>23</sup>

The position that the German princes took at this conference was crucial, because they made a firm statement at a time when other nations were formulating their responses to the papal invitation to attend the council of Trent. Thus, the decision other nations made was influenced by the actions the German princes took. Clearly, Elizabeth's decision to reject the papal nuncio was taken on the knowledge that the Germans had done the same. The French were closely watching events in

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of the Lordes and princes of Germany at Naumburg in Thuring, Concerning the matters there moved by pope Pius the iiii in the yeare of our Lorde 1561 and the fifth daie of February. Item the aunswere of the same Lordes and princes geuen to the Popes Nuntio upon the eight daie of February (London: John Day, 1561).

<sup>20</sup> Actes of the Ambassage, sig. A 6<sup>v</sup> (numbering ours).

<sup>21</sup> Ibid., sig. A 7<sup>v</sup> (numbering ours).

<sup>22</sup> Ibid., sig. A 8<sup>r</sup> (numbering ours).

<sup>23</sup> Cal. S. P. Foreign, 1561-1562, 21. Delphino, the papal nuncio, had been threatened. A prince warned him that he should be glad that he was a Venetian, otherwise they would have taught him a severe lesson for presuming to come to one of their diets without a safe-conduct.

Germany as well.

One month after the death of the French monarch, Cecil sent the Earl of Bedford to France with condolences. Among the instructions that Bedford was given by the queen's council, there were provisions that he was to attempt to persuade the new French king that unless there was a return to a general council similar to that of the early church in which there was no pope, no positive reform action could be expected. The presence of the pope and the cardinals would assure that Trent would continue its reprehensible course of action. The English wanted the French king to press for a delay of the Council of Trent, or to proceed with demands for a new council favorable to the Protestants.<sup>24</sup>

It soon became apparent that the emperor, though he had agreed to the holding of a council at Trent, was in favor of such an assembly only if other princes and the Germans agreed as well.<sup>25</sup> When Bedford arrived in Paris he found much confusion; the French were planning to send representatives to the council, but only if the Germans did.<sup>26</sup> Thus, when the pope sent his envoy to England, Elizabeth had every reason to think that the major European countries were resisting the pope's invitation to participate in the council of Trent.

Elizabeth did nothing to discourage the papal project of sending a nuncio. The Spanish ambassador, de Quadra, used every strategy to assure the queen's assent to the coming of Martinengo, to the point of interceding on behalf of the marriage of the Earl of Leicester, Elizabeth's favorite, who had fallen in disrepute upon the mysterious

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<sup>24</sup>Cal. S. P. Foreign, 1560-1561, 898.

<sup>25</sup>Ibid., 1000, 1022.

<sup>26</sup>Ibid., 1030.

death of his wife. The Spanish ambassador had asked, as the price of Spain's approval of the Leicester match, for England to return to the Roman communion--which request the Earl was quite willing to agree to, even offering to lead a delegation of Englishmen to the council of Trent to show his good faith.<sup>27</sup> Elizabeth had volunteered that she might be quite willing to receive the papal nuncio but only if he came as the representative of the bishop of Rome and not as the representative of the pope, for that would presume a recognition of the pontiff, which she was unable to grant--it being forbidden to give the title of Universal or Supreme Pontiff to anyone.<sup>28</sup>

Cecil countered the rising influence of the Spanish ambassador by uncovering several incidents which had the appearance of a conspiracy. A priest (apprehended on his way to Flanders) confessed that he had been saying mass for a former member of Queen Mary's privy council. A letter from one of Queen Mary's bishops imprisoned in the Tower was intercepted; it bore the hope that if the mission of Martinengo succeeded they might be freed. In addition, raids on several houses produced papal paraphernalia which had been used in the "superstitious" saying of mass. It was amid talk of a conspiracy, followed by the interrogation of bishops in the Tower of London--possibly accompanied by the rack--that a decision to admit the papal nuncio was taken.<sup>29</sup>

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<sup>27</sup>Bayne, Anglo Roman, pp. 85-86.

<sup>28</sup>Conyers Read, Mr. Secretary Cecil and Queen Elizabeth (New York: Alfred A. Knopf, 1955), pp. 198-208. The letter from de Quadra to Cardinal Granvelle of April 14, 1561, telling Elizabeth's position is in John Pollen, The English Catholics in the Reign of Queen Elizabeth (New York: Burt Franklin, 1971), p. 69, n.2.

<sup>29</sup>Read, Secretary Cecil, pp. 208-209; Pollen, English Catholics, pp. 69-70. Cf. Robert Lemon (ed.) Calendar of State Papers, Domestic

The papal nuncio, Martinengo, having been nominated in January,

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Series, of the Reigns of Edward VI, Mary, Elizabeth 1547-1580 (London: Her Majesties Stationery Office, 1856), p. 173, nos. 48-50, p. 174, nos. 50-51, 53-56, 59-60, 65-68, Public Record Office, S. P. 12, 16. The interrogatories, written hastily and in very poor hand are corrected by a hand similar in appearance to that of Cecil's. All question marks have been inserted. (fol. 153<sup>r</sup>) "Whom herd you first sence Christmas off a generall counseill somonyd ffor whatt cause, where to be helde who were somonyd thethere of whomever have you herd [it?] off and by what means? What have you herd shold be treatyd off in ye counsaill what reffyrment wold ffolow thereoff as in conference you judgyd? What ordre thought you wold be devysed & put in use ffor the reformation off such as wold not come nor send to the consaill nor obey the orders & decrees yeroff? Whatt succor or releiff in mony or otherwise have you recyvyd ffrom eny person sence your imprisoment from whom, by whom, when & how often? Whatt comffort by message werd or Letter have you recyvyd sence your imprisoment off religion chaugin by shom ffrom whom when & how offten?" Another sheet in the same volume (fol. 157<sup>v</sup>?) carries the following: "1 Whatt conference have you hadde in the tyme of queen mary with or off her comfor\*\*s towching her sucessor in the crown of the realme with whom where & when? 2 Whome thought or Judged you in such your conference ffor the welth & \*\*\*\* contynuanse off religion establyshed by queen mary moste mete to be placyd [?] if God callyd her? 3 Whatt meanes was agreyd uppon to be best to brynge the same [to] passe? 4 For whatt cause was [yt?] that the queens majestie t[hat] now is, was comytted to the tower off london in the tyme of queen mary and kept in woodstock as a prisonor? 5 Who was agreyd to be apoyntyd heyr appar[n]t & successor to the seyd late queen if the queen that now is hadde either dyed in prison or otherwyse by law as was then thought? 6 Whatt were the meanys devysyd to atteint her or otherwyse to deprive her off her possibilite to the crown? 7 In private & secret conferences att diverse [?] tymes in the late \*\*\* [Smalls?] house at Lambeth to wit in the such [?] in the crown and in sondry other metyngs \* [places?] in the last yere of queen mary who was therin that queen's her govt. for the welth of the realme (as ye teryd att) to suit queen mary and whatt were the means agreyd apon to bryng the same to passe?" fol. 158 has the following: "With whom have you hadd conference towching the stat & the government thereoff, what was your conference where & how offten & when? What myslykyng in suche your conference have you hadde off this state & government? Whatt remedies have you thought good ffor refformation off the matters myslykyd & how & with whom ye thought itt were good to practyse ffor the same? Who was thought good to make your practyse & with whom your same shold be made? Whatt have you knowen to be putt in use ffor the achevyng off suche purpose either by Letter messages or otherwyse? Hadde ye werd eny talke off the ffranche enterprise in Scotla[n]d & off resistaunce theroff whatt was your talke theroff with eny [?] have you talkyd when where how offten? What conversation have you hadde off eny practyse off the Ffrench in Scotland this yere past or att eny tyme beffore with whom when & how offten? With whom when & how offten have you discoursyd off the marage of your Scottysh queen that now is with

started his journey in March, and arrived in Brussels to await a grant of safe-conduct from the English in mid-April. He had high hopes of being received favorably by Elizabeth; he had received information that the Earl of Bedford, Elizabeth's envoy in Paris, had indicated England's intent to send representatives to Trent. In addition, the prospect that the potential marriage of the Earl of Leicester would return England to the Catholic church should de Quadra manage to bring Elizabeth to the point of betrothal gave the nuncio a great deal of encouragement.<sup>30</sup>

Cecil, leader of the Protestant opposition, had even gone so far as to tell the Spanish that if the pope presided only as a figurehead, if the place of the meeting was approved by France, Spain and the emperor, if the queen's bishops were canonically ordained and allowed to participate freely in the council of Trent, and if all decisions reached were based on the authority of the Bible, then Elizabeth would recognize the council.<sup>31</sup> The pope had delayed the opening of the council of Trent for six months, which would give the English ample time to send their delegates.<sup>32</sup> However, Elizabeth's refusal to recognize his mission on any other basis than as a representative of the bishop of Rome, was the first indication of trouble. Moreover, with the alarm over the bishops' conspiracy that had been discovered by Cecil, Martinengo must

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whom wold she mary & who practysyd with her ffor mariage whatt mariage ffor her thought you best ffor your good conservation of our state in your discourse?"

<sup>30</sup> Bayne, Anglo Roman, pp. 77-78. His instructions are in Arnold O. Meyer, England and the Catholic Church under Queen Elizabeth, trans. J. R. McKee (New York: Barnes & Noble, 1969), pp. 465-471.

<sup>31</sup> Ibid., pp. 90-91. These conditions were very unlikely to be met.

<sup>32</sup> Cal. S. P. Foreign, 1561-1562, 118.

have realized that his mission was endangered.

The Queen's Council met on May 1 to consider the matter of allowing the papal nuncio to enter England. The councillors voted to deny admittance to the Roman representative on the assumption that to do so would imperil the queen's throne by recognizing the pope's authority over her. Further, his coming into England would encourage the papists, who would conclude that the nation was reverting to Catholicism; such encouragement could produce civil strife and unrest. It was charged that when the previous papal mission of the Abbot of San Solutore, Parpaglia, had come in 1560, he had borne secret instructions to stir up sedition. How, the council asked, could they be sure that Martinengo did not have a similar intent?<sup>33</sup>

Four days after the decision was taken, Elizabeth informed de Quadra that the nuncio would not be welcome in England and would not be allowed to come. She suggested that any letters the nuncio bore from the emperor should be brought to her notice by the Spanish. Characteristically, she left room open for negotiation; if the council to be called was impartial and free, she pledged that the English would spare no effort to send representatives. If the forthcoming council was similar to others held at Trent, she threatened, the crown would lend every aid to help assemble a free and universal counter-council to achieve the union of the estates of Christendom.<sup>34</sup>

This message, denying entry to the pope's duly appointed representative, was acknowledged to be England's response to the

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<sup>33</sup>Cal. S. P. Foreign, 1561-1562, 162.

<sup>34</sup>Ibid., 172. This was on May 5, 1561.

invitation to the council of Trent. Considered as such, William Cecil must be given the credit, and responsibility, for aligning England with the Protestant side on this issue. England's refusal to take part in the activities of the council was the outcome of his policy. However, efforts were made to get the English to reverse their position.

In a dispatch of March 22, 1562, two months after the council of Trent reconvened,<sup>35</sup> Cecil told Mundt about the pressure that was being brought to bear on Elizabeth by the French, in an attempt to get the English to go to the council. Proposals had been advanced that if England, Germany, and France were to send delegates they could, together, overwhelm the votes of the papal faction and proceed to reform the abuses of the clergy. The queen's secretary stressed the point that he did not approve such suggestions. Mundt was asked to get the opinion of the Duke of Wurtemberg on the matter of going to Trent and to request that the Duke put forward some kind of apology, in print, on the matter.<sup>36</sup> Elizabeth, writing a message for inclusion in the same letter, told Mundt that she had not chosen to proclaim her reasons for not sending representatives to the council of Trent, nor had she taken any action since refusing admission to the papal nuncio, Martinengo, the previous year. She indicated her approval of a rival council that would represent the interests of the Protestants, even as the papal faction had a council of their own.<sup>37</sup>

Whether the English wanted to send representatives to the council

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<sup>35</sup> Cal. S. P. Foreign, 1561-1562, 821. This was on January 18, 1562.

<sup>36</sup> Ibid., 946.

<sup>37</sup> Ibid., 948.

of Trent or not, there were already a few Englishmen there, claiming to represent that nation. Rumors circulating around Germany indicated England's full participation at Trent. Mundt, inquiring about the foundation of these rumors, was assured that England had no representatives at the council. Rather, an exile, formerly the bishop of St. Asaph, Thomas Goldwell, was claiming to represent England.<sup>38</sup> Cecil hurried to tell Throckmorton, in Paris, about the ". . . runnagat titular bishopp . . ." so that the ambassador in France could squelch any rumors that might arise in the French court.<sup>39</sup> In fact, Goldwell was far from being Elizabeth's representative; he was doing everything he could to get the council of Trent to excommunicate her, opening the way for her deposition.<sup>40</sup>

Even if one could believe Elizabeth's statement that she had not given any official explanation for her refusal to be represented at the council of Trent, certainly Cecil, and other high government and church officials, had been busy for months on a document that was to be used as the opening wedge of the propaganda war with the papists; its title: Apologia Ecclesiae Anglicanae.<sup>41</sup> Before dealing with that work, and the controversy that John Jewel became embroiled in because of it, one must consider the campaign against the religious policies of "bloody" queen Mary.

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<sup>38</sup>ibid., 948, 935. Cecil had learned of Goldwell ten days before, in a dispatch from Gianetti.

<sup>39</sup>Bayne, Anglo Roman, p. 289.

<sup>40</sup>ibid., p. 188.

<sup>41</sup>J. M. B. C. Kervyn De Lettenhove, (ed.), Relations politiques des Pays-Bas et de l'Angleterre, sous le règne de Philippe II, Vol. 2 (Brussels: F. Hayes, 1883), pp. 564-565.



## Chapter 5

### ELIZABETHAN POLEMICS AND THE GENERAL COUNCIL

When Elizabeth became queen of England in 1558, she faced a difficult situation. Her claim to the throne was a tenuous one, based on an act of Parliament that had been revoked, and on a lineage that no true Catholic could support as legitimate. In her policies there was extensive use of the press in the attempt to gather increased public support for the crown. Much of what will be discussed in this chapter could be characterized as official government apologetics; it is not until one examines the Puritan literature that any notions of a dissident policy are to be found.

One of the first problems that faced the Elizabethan regime was how to deal with the Catholics who had supported queen Mary. One policy decision was to discredit those actions which had been taken during Mary's reign. Viewed in this light, the work of Wythers, Foxe, and Bale take on some significance beyond their individual efforts.

Cardinal Pole, the liberal papal legate and archbishop in Mary's reign, had been thoroughly identified with projects for conciliar reform.<sup>1</sup> He was one of three legates appointed by Paul III to initiate and preside at the council of Trent. In the controversy over Henry's divorce, Pole

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<sup>1</sup>F. L. Cross and E. A. Livingstone (eds.), The Oxford Dictionary of the Christian Church, 2d. ed., (New York: Oxford University Press, 1974), pp. 1106-1107.

had written a book, Pro Ecclesiae Unitatis Defensione (1536?); in which he called upon Charles V to lead a crusade, not against the infidel Turk, but against Henry VIII.<sup>2</sup> The book was sent to Henry, but it did not reach a general reading audience in England.<sup>3</sup>

In 1560 the book was translated by Fabyane Wythers and put in print under the title of The Seditious and Blasphemous Oration of Cardinal Pole. . .,<sup>4</sup> which the translator thought had been written for one of two reasons: ". . . Whether he wer suspected of Lutheranisme and to avoid the suspicion there of or no, or ells that he did it to gratifie the pope withall. . . ."<sup>5</sup> Wythers explained the origin of Pole's book, Pro Ecclesiae, saying that only a few of them had been printed for the pope and certain trusted cardinals. It had gotten out of this circle of friends; reaching Germany, it had been printed and distributed widely.<sup>6</sup>

The contents of the translation that Wythers brought out showed that Pole had called upon Charles V to attack the "new Turks," the Protestants, who were threatening the souls of Christ's church and the divinely appointed successor of Saint Peter.<sup>7</sup> Pole asked the emperor if he would give Henry time to consolidate the reign of fear that stopped

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<sup>2</sup>Ibid.

<sup>3</sup>L & P, XI, 72.

<sup>4</sup>Reginald Pole, The Seditious and blasphemous Oration of Cardinal Pole both against god A[nd] his Country which he directed to themperour in his booke intytuled the defense of the ecclesiastical unitye, moving the emperour therin to seke the destruction of England and all those whiche had professid the gospele, trans. Fabyane Wythers (London: Owen Rogers, [1560]).

<sup>5</sup>Ibid., fol. 3<sup>r</sup>.

<sup>6</sup>Ibid., fol. 4<sup>r</sup>.

<sup>7</sup>Ibid., sig. A 1<sup>r</sup>-A 3<sup>v</sup>.

everyone from dissent by the use of executions such as that of Thomas More and others.<sup>8</sup> Claiming that there were still some in England who had not bent their knees to "Baal," Pole asked Charles to remember Catherine, the deposed queen, reminding Charles that with the intervention of Charles' troops in England would come support from those whose memory for the divorced queen was not so dim but that they would support her daughter's "desyres and requests."<sup>9</sup>

If this was not enough of an indictment of the previous holder of the archbishopric of Canterbury, then a letter of rebuttal of Pole written by Cuthbert Tunstall, formerly bishop of Durham in the reigns of Henry VIII and Mary, certainly was. Titled A Letter. . . unto Reginald Pole, it was probably written in 1536-37, and distributed to the reading public the same year as Pole's Blasphemous Oration.<sup>10</sup> What Tunstall had written was a stinging rebuke of Pole for supporting the pope against his own prince, coupled with a thorough-going attack upon the institution and the person of the See of Saint Peter. After arguing that the king held power over the church by Biblical precedent and having shown, upon the authority of the early church fathers that the pope's claim to power was invalid, Tunstall called upon Pole to surrender his red hat, by which advancement the pope had seduced him from his natural allegiance to the king.<sup>11</sup>

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<sup>8</sup>ibid., sig. A 4<sup>r</sup>-A 8<sup>v</sup> (numbering ours).

<sup>9</sup>ibid., sig. B 1<sup>r</sup>-B 4<sup>v</sup>.

<sup>10</sup>Cuthbert Tunstall and John Stokesley, A Letter Written by Cuthbert Tunstall late Byshop of Duresme, and John Stokesley sometime Byshop of London, sente unto Reginalde Pole, Cardinall, then beyng at Rome, and late byshop of Canterbury (London: Reginalde Woulfe, 1560); cf. Cross, O.D.C.C., p. 1399.

<sup>11</sup>A Letter, sig. D 8<sup>r</sup> (numbering ours).

In a sense, what these two works told the English people was this: cardinal Pole was the best example of what the council of Trent and reform-minded men within the Roman Catholic church could produce. It was Pole's policies, in conjunction with Mary's, that had led to so much unrest following the martyrdoms at Smithfield. If Pole could agitate for the destruction of the kingdom during the time of Henry VIII, how much more could other zealous Catholics do to queen Elizabeth? Further, with evidence showing that leading prelates had written against the pope--prelates who had been high church officials under Mary--it could be asked what was so bad about supporting Elizabeth's regime in its refusal to acknowledge the sovereignty of the pope?

If the English people needed to be reminded of the horror of Mary's reign, they got reminders enough with the histories put forth by John Foxe and John Bale. Foxe, in his Acts and Monuments, sought to record the actions that had led to brutalization in the interests of religious conformity. If there has been a more enduring indictment of the reign of queen Mary it has yet to come to notice. However, when Foxe considered the topic of general councils, and the council of Trent in particular, his shortcomings become apparent. Using Sleidanus and Flacius as sources, Foxe castigated the council of Trent, from the position of a pious moralist. The martyrologist's readers would have concluded that at the council of Trent nothing had happened but the mysterious murder of Crescentius or the sordid demise of two adulterous bishops, for little else was included in his description.<sup>12</sup> Nor was Foxe being a muckraker; rather, his narrative was based on the assumption

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<sup>12</sup>John Foxe, Acts and Monuments, VIII, ed. Josiah Pratt, 4th ed., (London: The Religious Tract Society, 1887), pp. 650-651.

that if Trent were divinely guided, such moral aberrations would not take place. Other sections dealt at length with Henry's response to the prospect of a general council being called at Mantua, reproducing the text of Henry's Sententia de Concilio and the Epistola ad Carolum.<sup>13</sup>

John Bale, the playwright, composed a history, The Pageant of Popes, which followed the example set by Robert Barnes in his Vitae Romanorum Pontificum.<sup>14</sup> When he came to events close to his own time one can see the bias that this billious bard was capable of. Writing about pope Paul III, after detailing his sexual aberrations, and discussing his rise to power, Bale had this to say:

Oftentime this Paule consulted wyth his Cardinals how he might hinder the nationall counceyl holden in Germanye, and he commaunded his Legates to enflame the mindes of the other Princes against the king of England, and he purposed to give his kingdome awaye from him, and to make it a praye and a bootye to those that woulde make havocke of it. Anno 1542 he summoned a generall counceyl to be holden at Trent, againste the Gospel, the preachers and [suitors] thereof. . . .<sup>15</sup>

Bale continued his description of events at Trent by discussing the activities of Cervinus (who became pope Marcellus II in 1555), along with cardinals Pole and De Monte, who were the pope's representatives at

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<sup>13</sup>Ibid., V, pp. 138-144, 255-258.

<sup>14</sup>John Bale, The Pageant of Popes, Contayninge the lyves of all the Bishops of Rome, from the beginnunge of them to the yeare of Grace 1555 Devided into iii. sortes bishops, archbishops and Popes whereof the two first are contayned in two bookes, and the third sort in five. In the which is manifestlye shewed the beginning of Antichriste and increasing to his fulnesse, and also the gayning of his power againe accordinge to the Prophecye of John in the apocalips. Shewing Manye Straunge, notorious, outrageous and tragicall partes, Played by them the like whereof hath not els bin hearde: both pleasant and profitable for this age, trans. John Studley (London: Thomas Marshe, 1574). For Barnes see above pp. 17-18.

<sup>15</sup>Ibid., fol. 185r.

Trent. Cervinus had driven out of the council a certain James Nachiantes, who, according to Bale, had refused to agree that tradition should be placed on an equal basis with Scripture; he had expelled a Dominican for upholding the opinion that the decrees of the council of Constance were enforceable against the pope, and had evicted Peter Paul Vergerio on suspicion of holding heretical Lutheran views.<sup>16</sup> Bale's conclusion was clear: no Protestant could hope to appear at the council of Trent without first giving up those very ideas which he had come to the council to defend. In Bale's opinion, Trent was not an open, free council. The polemical histories of Bale and Foxe based their arguments upon the moral behavior of the papal party; theological polemics such as those produced by Jewel, Whitaker and Whitgift were quite different in nature.

John Jewel, Marian exile and later, under Elizabeth, bishop of Salisbury, played a key role in writing the official propaganda of the Elizabethan regime.<sup>17</sup> On the direction of Elizabeth's secretary, William Cecil, Jewel and others composed the Apologia Pro Ecclesiae Anglicanae, which was put in print early in 1562.<sup>18</sup> Lady Ann Bacon translated the Latin work into English. It was printed in 1564 under the title of An Apology. . . of the Church of Englande. . ..<sup>19</sup>

In it, Jewel clarified the English position towards the council of Trent. After dealing with the Trinity, defining the meaning of the

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<sup>16</sup>Ibid., fol. 194<sup>v</sup>-195<sup>v</sup>.

<sup>17</sup>John Booty, John Jewel as Apologist of the Church of England (London: William Clowes and Sons for S.P.C.K., 1963), pp. 36-44.

<sup>18</sup>Ibid., pp. 45-55.

<sup>19</sup>An Apology or answer in defense of the Church of Englande, with a briefe and plaine declaration of the true religion professed and used in the same, in The Works of John Jewel III, ed. John Ayre, Vol. 25, The Parker Society (Cambridge: The University Press, 1848), pp. 48-112.

church, detailing the two sacraments of baptism and the Lord's Supper, and discussing the use of the vernacular in church services, Jewel turned to the issue of the authority of Rome and of general councils. After showing instances where the Roman Catholic church varied from injunctions of early councils and ancient popes, Jewel argued that the Roman church was not even following the decrees of the first sessions of Trent. He asked, if the Catholic church had already abolished decrees only recently proclaimed as everlasting, how the pope could be trusted to carry out the mandates of early councils, church fathers and of Scripture, upon which the papacy based its claim to power?<sup>20</sup>

On the issue of reform within the church, Jewel contended that a general council was not essential to the process of reform; Scripture being the basis for the changes in religion in England, there was no need to consult a second, inferior authority before proceeding to transform the church. Jewel asked ". . . Why, I beseech you, except a council will and command, shal not truth be truth, or God be God. . . ?"<sup>21</sup> However, the English did not despise councils, Jewel asserted; indeed, church matters had been discussed at length in open Parliament and in Convocation.<sup>22</sup>

As for the council of Trent, it was clear that the condemnation of the beliefs of men whose defense had not been heard showed what treatment the English could expect there. If the pope could not err, why had a general council been called to meet at Trent?<sup>23</sup> In addition, Jewel

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<sup>20</sup>ibid., pp. 87-89.

<sup>21</sup>ibid., p. 93.

<sup>22</sup>ibid.

<sup>23</sup>ibid., pp. 93-94.

asked if the hierarchy of the Roman church could be expected to reform itself in a general council, being the accused and the judges simultaneously.<sup>24</sup>

The bishop of Salisbury contended that the crown should be involved in the process of reforming the church. He argued that the Biblical precedents of Moses, Joshua, David, Solomon, and many others showed that kings should play a direct role in religious affairs. Furthermore, it was clear to Jewel that the emperors of ancient Rome had played a role in summoning the early general councils of Nicea, Constantinople, Ephesus, and Chalcedon. In contradiction to these historical facts, the pope was attempting to claim the sole right to convene a general council.<sup>25</sup> Jewel argued that:

We now therefore marvel the more at the unreasonable dealing of the bishop of Rome, who, knowing what was the emperor's right, when the church was well ordered, knowing also that it is now a common right to all princes, forsomuch as kings are now fully possessed in the several parts of the whole empire, doth so without consideration assign the office alone to himself, and taketh it sufficient, in summoning a general council, to make a man that is prince of the whole world no otherwise partaker thereof than he would make his own servant. And although the modesty and mildness of the emperor Ferdinando be so great, that he can bear this wrong, because peradventure he understandeth not well the pope's packing; yet ought not the pope of his holiness to offer him that wrong, nor to claim as his own another man's right.<sup>26</sup>

By advancing this line of argument Jewel was falling back upon reasoning that had been used very effectively by Henry VIII in his appeals for support from Charles V and Francis I.

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<sup>24</sup>ibid., p. 95.

<sup>25</sup>ibid., pp. 97-98.

<sup>26</sup>ibid., pp. 98-99.



In another work ascribed to Jewel--his Letter to Scipio--the council of Trent received an extended critique.<sup>27</sup> Using the literary device of an address, to a nonexistent individual, Jewel assembled an impressive array of arguments, most of which had been used before. The Letter opened with a defense of the English decision not to go to the council of Trent. Jewel demanded to know where the representatives of Denmark, Sweden, Scotland, Germany, and many other regions were. If none of these nations were expected to come to the council, why should England, he asked.<sup>28</sup> Why should the pope be the one to call the council into being?<sup>29</sup> Why should the English bishops spend six or seven years at a council when their efforts were needed to tend their own congregations?<sup>30</sup> Indeed, while they talked and delayed, the gospel itself was threatened by their filibuster.<sup>31</sup> The example of the council of Basel, and Pope Eugene IV's reaction, which brought the council of Ferrara into existence, showed that no council was called into being by the pope unless it was ready to do his bidding.<sup>32</sup> Jewel demanded to know what reforms instituted by the councils of Constance, Basel, or the Lateran had been enforced; indeed, they, like the council of Trent, had done nothing to stem those abuses of priestly lewdness and luxurious living that were the curse of

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<sup>27</sup>Works of John Jewel, IV, pp. 1095-1126.

<sup>28</sup>Ibid., p. 1096.

<sup>29</sup>Ibid., p. 1097.

<sup>30</sup>Ibid., p. 1101.

<sup>31</sup>Ibid., p. 1104.

<sup>32</sup>Ibid., p. 1105. The council of Basel disagreed with Eugene on the proper place to receive Greek negotiators. He countered by bringing the council of Ferrara into existence, dividing his opposition.

the Roman church.<sup>33</sup> An examination of their history showed that councils were ineffectual, self-contradictory, and untrustworthy.<sup>34</sup>

In succeeding pages, Jewel argued against the claims to the Petrine succession upon which the authority of the pope was based, using an extensive array of patristic sources to dismantle its legitimacy.<sup>35</sup> With as small authority as the pope legitimately held, even he proceeded to change matters of religion without authority from the general council. Since the pope's authority was no greater than that of other bishops in England, surely no one could condemn the English for reforming their church without waiting for the approval of Trent.<sup>36</sup> Indeed, Jewel was able to show a historical precedent for the actions taken in England:

. . . Eleutherius, bishop of Rome [wrote] to Lucius, king of Britain: 'You have,' says he, 'desired that we should send you the laws of the Romans, and of the emperors, that you may make use of them in the kingdom of Britain. These laws we may abrogate when we will, but the laws of God we cannot. You have received (by God's mercy) into your kingdom of Britain the law and faith of Christ; you have there the old and the new testament: from them, by God's grace, take a law by a council of your own kingdom, and, God permitting you will be able by this to rule your kingdom of Britain. For you are God's vicar in that kingdom; according to the saying of the Psalmist, "The earth is the Lords."' <sup>37</sup>

The bishop concluded his Letter to Scipio with a call for the princes of Christendom to take the care of the church into their hands, and to carry

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<sup>33</sup>ibid., p. 1106.

<sup>34</sup>ibid., pp. 1110-1114.

<sup>35</sup>ibid., pp. 1118-1120.

<sup>36</sup>ibid., pp. 1120-1124.

<sup>37</sup>ibid., p. 1124. How characteristic of Jewel to find a striking, historical argument to hurl in the direction of his continental polemicists!

out their divinely ordained mission of reform and purification.<sup>38</sup>

Writing in 1962, W. M. Southgate supported the thesis that Jewel's work, particularly his writing on the council of Trent, could best be understood in the context of the problem of finding suitable authority for doctrine once the power of the Roman church had been denied.<sup>39</sup> He is partially correct in making that statement. However, it is quite clear that Jewel was attempting to justify actions taken, and to clarify policies already put into effect; in short, Jewel was defending policy decisions of the English crown. Jewel contended that, besides the rule of Scripture which must be consulted in all major doctrinal decisions, there were decisions within the church of a practical type which had to be taken, decisions that were inherently political and subject to a variety of solutions. In this large area of practical decisions Jewel was quite certain as to who should make them--the queen. Thus, Jewel was concerned with denying any practical jurisdiction to any general council, for then it would truly infringe upon the royal prerogative. Restated, Jewel's quest was not only the problem of doctrinal authority, but also the problem of authority in the formation of church policy.

Much later than Jewel's work, William Whitaker, a Doctor of Divinity at Cambridge, wrote A Disputation on Holy Scripture in 1588. It was a thorough review of the arguments put forward by the polemicists of the Roman Catholic church, to whom Whitaker replied in a lucid and civil manner.<sup>40</sup> In his works, Whitaker made it clear that he did not

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<sup>38</sup>Ibid., p. 1126.

<sup>39</sup>W. M. Southgate, John Jewel and the Problem of Doctrinal Authority (Cambridge, Mass.: Harvard University Press, 1962), pp. 121-134.

<sup>40</sup>William Whitaker, A Disputation on Holy Scripture, against the

consider the council of Trent to be a general council, due to the small number of representatives in attendance--predominantly from Spain and Italy. He compared it to the council of Florence (Ferrara), stating that it had been assembled for the ". . . express purpose and design of establishing all the errors of the popish church. . . ."<sup>41</sup>

Rather than consider the council of Trent as a binding assembly of churchmen, Whitaker used the decisions of the council whenever he could as the basis for a critical statement of the official Catholic position. Hence, in the course of his book, he dealt with the issue of the Tridentine decision to limit the translation of Scripture from Hebrew and Greek, and allow only translation from the Vulgate Latin.<sup>42</sup> The Cambridge doctor argued that since Trent had no jurisdictional authority on the English, England could make whatever decision it wanted in the matter of Biblical translation. Furthermore, he denied the idea that Trent had any authority to make such a binding decision, for the only authority which it had advanced was one of usage, in which it had been claimed that the Vulgate had been used for hundreds of years, and therefore should be continued.<sup>43</sup> In a similar way the prohibition on the use of the vernacular in church services was disposed of.<sup>44</sup>

Eventually Whitaker reached a place where he could clarify his position towards general councils. Without reference to any particular

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Papists, especially Bellarmine and Stapleton, ed. W. Fitzgerald, Vol. 45, The Parker Society (Cambridge: The University Press, 1849).

<sup>41</sup> ibid., p. 40.

<sup>42</sup> ibid., pp. 110-111.

<sup>43</sup> ibid., p. 143.

<sup>44</sup> ibid., p. 250.

precedent or historical example, but rather in abstract theoretical terms, he was willing to admit that:

. . . it is a highly convenient way of finding the true sense of scripture, for devout and learned men to assemble, examine the cause diligently, and investigate the truth; yet with this proviso, that they govern their decision wholly by the scriptures. Such a proceeding we, for our parts, have long wished for; for it is attended with a twofold advantage: first, that what is sought by many is found the more readily; second, that errors, and heretics the patrons of errors, are the more easily repressed, when they are condemned by the common consent and judgment of a great number. This course, however, is not open to us in all controversies and at all times: for one cannot always, when in doubt of the interpretation of a passage, immediately convoke a council.<sup>45</sup>

Clearly, Whitaker was making a judgment on the validity of general councils not because they had any inherent claim to authority but on the basis of their usefulness, and convenience. This pragmatic opinion gave him considerable room to make a distinction between good and useful councils, and evil, destructive ones. For him, Scripture held all authority; to spread it between popes and councils was inconceivable. His treatment of the council of Trent was nothing more than to use it as the official pronouncement of the opposition with which he had to deal.

John Whitgift, master of Trinity College and later archbishop of Canterbury, engaged in a long, detailed, and often boring debate with the Puritan spokesman, Thomas Cartwright.<sup>46</sup> In his Defense of the Answer to the Admonition, against the Reply of Thomas Cartwright, Whitgift had very little to say about the council of Trent in particular, or about general councils, until he reached a section in which he was forced to

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<sup>45</sup>Ibid., p. 434.

<sup>46</sup>John Whitgift, The Works of John Whitgift, III, ed. John Ayre, Vol. 48, The Parker Society (Cambridge: The University Press, 1853); see his vita on pp. v-xxiii.

refute Cartwright's proposal of instituting a series of church synods which were to be used on the provincial, national or intranational levels to handle problems of doctrinal variation, and differences arising from practical, administrative disagreements. Essentially, Cartwright was calling for a system of church courts which would hear disputes, and give judgments without reference to the civil government or to the queen.<sup>47</sup>

Whitgift's rebuttal of Cartwright's ideas concerning synods reveals the depth of the antagonism between them. The suggestion was wrong, asserted the author, because it would introduce stress and turbulence into Christ's church. It was in error, for there was no proof that such a system had been in operation in the early church as Cartwright claimed. The worst charge that Whitgift brought against the Puritan leader was that his system was intended to destroy the queen's authority over the church, designed to reduce her to a figurehead so that ". . . she must execute whatsoever it pleaseth Master pastors and their seniors to command her. . . ."<sup>48</sup> If the queen refused to obey their commands, Whitgift charged, the Puritans would stir up rebellion, and proceed to excommunicate her.<sup>49</sup>

"A Bill for the further reformation of the Church, offered with the book in the Parliament" of 1587 supported the Puritan views on synods.<sup>50</sup> In a similar way to Cartwright's support for the idea of a

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<sup>47</sup>Ibid., p. 263.

<sup>48</sup>Ibid., p. 264.

<sup>49</sup>Ibid.

<sup>50</sup>Albert Peel (ed.), The Seconde Parte of a Register Being a Calendar of Manuscripts under that title intended for publication by the Puritans about 1593, and now in Dr. Williams' Library, London, Vol. II (Cambridge: The University Press, 1915), pp. 212-215; cf. J. E. Neale,

controlling system of church synods, the "Bill" contended that:

In all which for the clearing of doubts and questions that maie arise, the Lord hath ordained conferences and assemblies of the governors of manie Churches in Synodes and Councells, both Provinciaall and Nationall, more or fewer as need shall require. . . .<sup>51</sup>

There was not any reference, however, to a general synod between nations, such as appears in a little pamphlet published during the turbulent years of revolt and war of the 1640's. A Directory of Church Government, attributed to Walter Travers, another Puritan leader contemporary with Cartwright, had called for a system of church government which culminated with a provision for a general or ecumenical synod.<sup>52</sup> The non-conformist, Puritan tradition laid a great deal of stress upon democracy within the church government. To ignore one of the most democratic institutions within the church of the middle ages, to make no provision for a general council, would indict the whole system of Puritan church polity.

One should not conclude that the Puritans, as a group, expressed any approval of the council of Trent because they envisioned a system of synodal conferences. They retained the distinction between "good" or

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Elizabeth I and Her Parliaments 1584-1601 (New York: St. Martin's Press, 1958), p. 148, for a discussion of this document.

<sup>51</sup>Seconde Parte, II, p. 213.

<sup>52</sup>Walter Travers (?), A Directory of Church-government, Anciently contended for, and as farre as the Times would suffer, practised by the first Non-conformists in the daies of Queen Elizabeth, Found in the study of the most accomplished Divine Mr. Thomas Cartwright, after his decease; and reserved to be Published at such a time as this (London: John Wright, 1644). This pamphlet, consisting of some forty unnumbered pages is devoted to very practical church affairs. It envisions a complex system of elected representatives to handle matters, each echelon electing the next higher officers. Elections were planned from conferences to provincial synods, from there to a national synod, beyond which a general or ecumenical synod was proposed. This is similar to the Reformed churches in France; cf. T. M. Lindsay, A History of the Reformation, II (New York: Charles Scribner's Sons, 1925), p. 168.

useful councils, and those which were "evil," hence, destructive, which earlier Anglican, or official theorists had advanced. A tract aimed at the members of Parliament tried to embarrass the English clergy by pointing out that even the council of Trent, ". . . not being ashamed of manie other great abominations. . ." required residence of clergy within their own diocese, which reflected badly upon the church of England that such a "guiltie" council could be used to condemn it.<sup>53</sup> Cartwright dismissed the council out of hand: ". . . for of the conspiracy of Trent wee make no account. . ."<sup>54</sup> As only Thomas Cartwright could, he attacked the decision of Trent to use the Latin Vulgate Bible exclusively:

It might aswell have commanded to eate accornes, after corne was found out. And as for this Trent conventicle being assembled by the Pope the archenemy unto our Saviour Christ, and holden of a sort of blinde Bishops, sworn to speak no truth but that he (the enemy of truth) should allow of: We esteem it no more. . . .<sup>55</sup>

Cartwright's conclusion was that general councils were not infallible, later councils having fallen away from the conduct of the early church; ". . . being further removed from the purest times, and the revelation of Christ the Sonne of God, they approached nearer unto the foulest time, and revelation of Antichrist, the son of perdition. . . ."<sup>56</sup>

Curiously, among the Puritans, the one group where one could

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<sup>53</sup>Seconde Parte, II, p. 74.

<sup>54</sup>Thomas Cartwright, A Confutation of the Rhemists Translation, Glosses and annotations on the New Testament, So Farre as they containe manifest Impieties, Heresies, Idolatries, Superstitions, Prophanesse, Treasons, Slanders, Absurdities, Falsehoods and other evils (Leyden: W. Brewster, 1618), p. 182.

<sup>55</sup>ibid., sig. D 2<sup>r</sup>.

<sup>56</sup>ibid., pp. 299-300.



expect some difference in opinion about general councils to arise, there is no significant variation. There was no practical reform project associated with the general council such as there had been in the previous century. Their system of church government was based on a representative model, that of the Anglican communion upon an authoritarian one. Yet, in considering the council of Trent there was little difference between the two groups: both had linked the conciliar idea to the "papists." Thus, one finds no significant group dissenting from the mainstream of English thought on the general council.

## CONCLUSION

The paucity of recent historical literature upon English conciliar theory in the sixteenth century would suggest that the governments of Henry VIII, Edward VI, and Elizabeth I had devoted little attention to a general church council. Such is not the case. As this thesis has demonstrated, there was in existence, at that time, a substantial body of literature which promoted a lively discussion of conciliar matters. In each of the three reigns mentioned above, a great deal of concern was expressed over the question of an ecclesiastical conclave.

Continental opinion called for a general council to meet for the purpose of settling the serious division of the church precipitated by Martin Luther. English conciliar thought tried to divert these proposals to hold a council in ways that would enhance the power of the crown and diminish the authority of Rome. Henry VIII and his apologists imposed an erastian or caesaropapist "reformation" on the English church, an erastian program in which Henry's conciliar thought dovetailed smoothly as political conditions warranted. Demands that the king be the head of the English church were certainly derogatory to the authority of the general council, as well as the papacy.

Henry did not reveal any apparent hostility toward a general council when his relations with Rome were ruptured and destroyed in the divorce proceedings against Catherine of Aragon. Indeed, he used the threat of an appeal to such an assembly to bully pope Clement VII into

giving a judgment in his favor. Later, when the council of Mantua, and after it, the council of Vicenza threatened to materialize, Henry, anticipating a negative outcome, launched a propaganda campaign against the council, as well as the papacy. When the council of Trent met in 1545, Henry took no pains to oppose its course. He was indifferent to its actions, for it no longer posed a serious threat to his supremacy.

Thomas Cranmer, involved in all of Henry's projects, planted the essence of Henrician conciliar thought within the Edwardian Articles of Religion, which were, in turn, incorporated in the Thirty-Nine Articles of Elizabeth's church. Edward's refusal to send representatives to Trent in 1552 was a reflection of Henry's position.

When Elizabeth's apologists engaged in polemical exchanges with a revived, vigorous Catholic opposition, they had to defend the crown's refusal to participate in the sessions of the council of Trent which met in 1562-63. To defend that action, they fell back upon arguments similar to those which had been used successfully by the Henrician propagandists.

The Tudor conciliar theory operated on two levels: on the surface, logistical and procedural arguments were advanced: the city was too small, the journey was unsafe, the times were too turbulent, the participants lacked freedom to debate, and the would-be judges themselves deserved to be on trial. These objections covered the deeper convictions that the supremacy of the crown over the national church was not to be limited by any institution, papal or conciliar, which might interfere in English domestic affairs.

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## APPENDIX I

### A DECLARATION OF A GENERAL CONCILE

[36r] My Lorde. I have don as ye commandd me and that, with  
right good will. I entred in to the course of Canon and  
loked aboute on every syde for thentente that If I could  
gett any avantage to take it for my profit Even as  
men doo, that entere upon their ennemyes Land, to spoyle.  
But I perceyve that the byshops of Rome have done as

---

"A Declaration of a general Concile" is a manuscript of forty leaves in secretary hand. Most likely the "Lorde" to which it is addressed is Thomas Cromwell. The ideas expressed within the treatise are legalistic, in a sense opportunistic or pragmatic, and rambling. Only near the end of the treatise does it become apparent that each digression is made with a purpose in mind. The logic employed is to establish some binding principle by appealing to a common sense example, by quoting authoritative sources like the Bible or early church fathers, or to logic, usually expressed in a Latin maxim. The quotations are numerous and varied; they reveal a training in canon law.

This treatise has been thoroughly examined only once in the body of historical literature that has been surveyed, by P. A. Sawada, who published his assessment of the importance of this piece in an article titled "Two Anonymous Tudor Treatises on the General Council," in the October, 1961 volume of the Journal of Ecclesiastical History, pp. 197-214. His conclusion was that the work was authored by Henry Cole. One considers this information to be tentative, and while useful, it is not crucial. The editor of the Parker Society volume of Cranmer's writings ascribed this work to Thomas Cranmer, and dated the work to the year 1534, (see above, p. 27, footnote 61) a date considered erroneous, 1537 being preferred, on the basis of references to acts of Parliament (see below folio 44<sup>v</sup>).

Sawada's description of the manuscript does not agree with that which is edited here. He indicated that the MS consisted of forty unnumbered leaves found in a volume titled Gray's Papers, while the microfilm copy used here is in the volumes of Cecil Papers, 137, fol. 36-75. In addition, the Historical Manuscripts Commission described the ending phrase of the MS as "That they may Apply themselves also to follow it accordingly," which differs from this text.

Richemen doo whan they are constrayned to flye for  
 fearre of enemyes. They cary away with them all  
 that is of most value, and all that, that, may doo  
 their enemyes any stede. They rather destroy it than  
 leave it for the enemyes. Yet wheras it gret plenty  
 of all manner of thinges it is heard that any man, be  
 he never so sett to his profit, shuld beare all away  
 cleyne. Thus sodaynely assawted som thinges Remayn  
 allways but they that be crafty hyde such thinges  
 as may not then be caryed away, wheras they  
 estime men woll not gretely reasort. I knowe  
 right well many testimonyes are lost of right good  
 and holy men whereby it myght well appere that

---

The handwriting is clear and predictable; the author uses abbreviations mostly to fill out the right margin for the sake of appearance. Unfortunately the writer makes frequent use of the title, usually at random. All abbreviations and contractions, except for such obvious contractions as "St." have been lengthened, with no other notice. The writer uses the symbol of an ending "S" in situations that do not call for a plural or possessive, thus it has been rendered "es," "is," and when the occasion seemed to call for it, as "S."

The lines of the text have been retained, using the numbers that have been affixed on each page to the exclusion of those on the MS which end on fol. xxii. Punctuation, and capitalization of the first word of the next sentence have been inserted without attempting to change the structure of the sentences to make better sense. (It has been found that most capitalized words did correspond to the beginning of a sentence; the punctuation has faded and is barely visible.) The Marquess of Salisbury, who retains the copyright, is thanked for his kind permission to use a photocopy of the manuscript for scholarly purposes.

This manuscript may have reached publication, though no copies are extant. The close relationship which this work bears to another work titled A Treatise Concernynge Generall Counciles, the Byshoppes of Rome and the Clergy, printed by Berthelet in 1538, suggests that it too reached publication, only to be destroyed by order of Henry VIII. For a discussion of this work see above pp. 27-42.

[36<sup>v</sup>] They did lightly estyme thauctoritie of the sete of Rome but as sone as ever by suffrance or Ignorancy or elles by llicence of princes the church of Rome had the upper hand. It was right well proved by them that nothing shuld appere any where, wherby any man myght fortify hym self agenst that church. Wherupon Gratian compilar of the decres doth mak no rehersaill but with evill will of such thinges as other have left in writing agenst the pryde of that see. He changeth, he choppeth, and marreth all to thentent he myght obteynn the more favor at the byshop of Romes hand. Yet, forasmoch as there were so many thinges agenst it that he could suppressse and cary them away, he thrust som in to strange places wher he thought no man wold sek them, other he destroyd putting more to them, or taking somewhat from them. So that at this houre if any man woll serch amonges the decrees of Rome what power that

[37<sup>r</sup>] Church hath he shal not fynd it in the place where the matiers lyeth the most convenient but there onely those thinges that doo exalt that church above the menie. Yet if a man serch in other places for other matiers and take good hyde som thinge always woll com to lyght whereby a man may well gesse that all men were not agreed upon those thinges that men of our tyme

a long season have geven the byshop of Rome.  
 As by the gospel for thies v<sup>c</sup> [500] yeres som thinges  
 are sayed to be peculiar to that byshop, as  
 though Christ had so commandded. The whiche our  
 ancien fathers never thought upon. My thinkit  
 I have somewhat perceyved the cause hereof. I  
 shal shewe unto your lordship my conjecture and agayn  
 for that ye may be Juge whether I have hyt  
 right or noo. Wheras som old authers in their  
 writinges did shewe that the hyghest Rowm was  
 [37<sup>v</sup>] geven to Peter and to the bishops of Rome by Christ  
 upon that, other came after not understanding the  
 maner of spech used of our anciens nother ther  
 opinion, tok their sayeng thus. As though Christ  
 in holy scripture had geven this primacye, wheras  
 he sayeth Thou art Peter and upon this stone  
 I woll buylde etc. And other like whiche I  
 take to be otherwise, for paravanture we may  
 well saye that it is don by the will and command[m]e[n]t  
 of god. Not onely that the which god evidently  
 comanded in the scripture, but eke that whiche  
 holy men upon good grounde determyned to be don  
 as the apostoles used to saye It hath pleased the  
 holy gost and us etc. Ffor I takit to be don  
 of god all that is don well, for the encrease and  
 quite of Christ's people. Many of the old writers  
 in the church toke those thinges as don by god

which Constantin the good prince did virtuously  
 [38<sup>r</sup>] in the Concile of Nice and other sundry tymes.  
 Soo they saye that he attayned thempyre of Rome  
 by the will and appointment of god and of hym  
 was made Emperer. So it is most commenly holden  
 in the lawe cannon that the ellection of Abbots  
 and byshops shuld be made of the holy gost the  
 whiche is brought to passe by the consent of  
 them that are there. If there be nothing comparased  
 by mannes witt and yet for all this no man can  
 Justefie that Charles can not be Emperer in  
 allemayne because god made Constantin Emperer  
 of Rome. Neyther he that is chosen in the fourim  
 afore said is for[c]ed to be deposed if he be changed  
 or if the world altere. Thus somewhat  
 Swarving from the purpose I have shewed your  
 Lordship myn ayme as I saye. I graunt well  
 [38<sup>v</sup>] right as ye advised me before many thinge may be  
 founde out in the cannon lawe of booke which utterly  
 reprove the popes tyranye and suche opinions as  
 men take for unsoluble, but hard it is to fynd  
 them out, they are hydd and that in far and  
 strange countreys where a man woll lesse think  
 they were. I am right gladd that I have chanced  
 upon som of them, for that ye may right well  
 perceyve the redynes of my hert to do your  
 commanndment. But there be many moo as I



gesse which hard it were to fynd but at more  
 lea[sure] in the mean tyme, I humblely besech your  
 Lordship to vouchsaff to takin worth so moche  
 as I could doo in so litel tyme. Here shal  
 ye have drawen and in maner paynted a mode  
 of my buylding where I present unto you that  
 it may please you to shewe me whether ye,  
 [39<sup>r</sup>] like this fashon and whether that ye will have it  
 made of such stuffe, and whether ye like the  
 fundation that I have begon. If ye like it I  
 shal go furth even as I have begon. Paravanture  
 I shal sett hereunto som thing ells that shall more  
 openly disclose the thinge here reasoned as is this  
 What is the duetie of all byshops, what power  
 scripture geveth them, And what power they have  
 by liberalite of princes more then this, as what  
 tyme the byshop of Rome first obteyned to be  
 highest, and howe he came therby And  
 who they were that wold never therto agrie.  
 After this it myght be shewed howe profitable  
 it shuld be that byshops and men of all sorts  
 were forced to do their duetie. So as they  
 did at the begynnyng of the church. A grete  
 part hereof must be fetched out of histories  
 [39<sup>v</sup>] wherin I am not yet sufficiently prepared wherfore  
 this thing requireth tyme. I see meself that this  
 writing is ferre unworthy to be readd of moo

then one. It shuld be first polished and an  
 answeere wold be first made to the reasons  
 that the contrary part leaneth unto. But  
 whatsoever your pleasure shalbe ye shal have me  
 always Redy to accomplish the same to the  
 uttermost of my litel power.

#### A declaration of a general

##### Concile

And because in every well ordred household it is  
 no smale point so to laye eney thing in his place that they  
 be redy and at hand whan they be called for therfore it is  
 best to divid all this hole maters in to certain chapters  
 that every thing may be layed in his place and at sundry  
 [40<sup>r</sup>] tymes spoken of therefore first of all we shal declare  
 what is that concile that may truely be called general.  
 And to entre in to this matier thapostols whan it was  
 in doubt whether it was necessary both to kepe the lawe  
 of moyses and also the gospell came all togethers to hierusalem  
 there to open what their successors shuld do herein. Soo  
 our forefathers whan any thing was in question perteynyng to  
 our feith which by scripture was not evidently decided were  
 wont by oon assent to assemble them selves togedre, there  
 determynyng all such doubts and so this cace whan it  
 was doubted wheter Christ were of the same substance  
 that his fader was (many being of diverse opinions) three  
 hundred and eightey byshops at Constantinople came to  
 Nicea where they decreed such thinges as we see in the

actes of the councile. Soo in likewise whan theodosius  
 [40<sup>v</sup>] thelder sawe the church was like to be divided and grete slander  
 therupon to ensue by the wicked opinion of on macedonius  
 a bishop of Constantinople and there the question  
 was determynd and ended ffor this and like causes whan  
 soever at a prince's commanndment or other that hadd power  
 in the world fathers came to geders in the mane of Christ  
 and for his religion. Thys they called a General concile  
 not that there was ever concile where all byshops were  
 togeder, no ye shal never fynd that all provinces were  
 at any Concile for at the Concile of Nice were  
 almost noon but out of Asia egypt and Grece.  
 Yt was called general eyther because he called it that  
 had power over hole Chri[st]endom or ellis because all  
 other did allowe afterward suche thinge as certain assembled  
 did there agree upon. And for this it is that we have  
 [41<sup>r</sup>] yet unto this day certain [letters] some of the byshop of Alexandria  
 som of the byshop of Antiochia and some of other wherin they  
 declare unto the other partes of the world their beleve and  
 what was doon in their assemblies. Of this it cometh that  
 St Gregory sayeth in this wise of general concilies  
 I refuse (sayeth he) all persones that general conciles do refuse.  
 I allow all that they have in reverence. And he sheweth  
 the cause by and by after, fforasmoch (sayeth he) as they  
 are agreed upon by the hole consent of the world he  
 destr[o]ieth hym self and not the conciles that presumeth to  
 lose that they bynd or bynd that they lose. Whereby it

is well seen that a Concile is called general not that all byshop or som out of eny province is there present but because other doo allowe that was don in Concile by other ffor we see the concile of Arimynea and [41<sup>v</sup>] other like with all their decrees were reprov'd not onely for that there was no hedd in them but also that other never allowed their doynge. And yet men called otherwise a concile general which was appoincted either by themperor or by the byshop of Rome. Whereunto came byshops out of diverse places. It made no matier howe many were called but howe good men were called ffor there is no lawe as ferre as I knowe that appoincteth howe many shalbe callid yet all suche thinges as they determyne which be present with the hedd in the concile is of as grete strenght as though all the rest had agreed upon it. And so we see that som conciles had but a hundred byshops in all and som many lesse. Somtymes we see that at oon tyme for oon mater byshops assemblid togeder in diverse places as in the question of Easter a [42<sup>r</sup>] Concile was holden in the eest at cesarea, in Italy at Rome, in Ffraunce undre good Ireneus, In Achaia under bachlus, the byshop of Corinthe. If any man in oon concile was not of the same opinion that men were of thother concile did then did they sobrelly dissente and rather mekely shewe them self not contented then stubbornely contended. Soo Ireneus shewed to victor, byshop of Rome, that he was no content the church of Asia shuld be separate from ours

onely bicause they kept Easter at other tyme then we doo.

So that this is a general concile that he appointed  
that hath the charge of the hole religion of Christ.

Also those conciles are called general which were  
kept but by byshops and prestes of oon certain part of the  
world And afterward were allowed by all the reste  
such many were kept in Asia which nowe are accompted.

[42<sup>v</sup>] Nowe we have declared in this maner what is a Concile  
general next it is to see whither it be necessary that  
any were hedd in a concile general

Whether it be necessarye that oon be  
hedd in concile general.

In the conciles that the apostols kept in hierusalem it doth  
appere who had the highest rowm. This doth well  
appere that Peter and James did speke openly there And  
as they mynded so was the matier ended. But it doth no  
appere there w[h]o had the highest place and in that purite  
of harte it was litel nede oon to be sett over an other,  
where were so fewe that did believe, where there was  
so grete love towards god that no man caried for any thing  
for hym self but all payned them selfs to sett furth  
the honor of Christ. At that tyme it made no grete  
[43<sup>r</sup>] skylle under what maner that were don nother by whom.

At that dayes non of their powers were lymyted  
all were of oon mynd and of oon power but after  
that this love towards god was decreaced they, partely  
to take away and partly to avoyd schisme and division,

oon was set above an other. As Sainct hierom sayth  
 and is writen in the decrees at large but forasmoche  
 as men be redy and naturally disposed to be of contrary  
 opinions and bicause peace can not continue amongs men  
 but som Rule, and som obey, even so was it at the begynning  
 of Christ's Religion. As tully and other saieth it was at  
 the begynning of the world for at the begynnyng all men  
 were free, every man did what hym lyst no bound to  
 obey any man. But after they were constrayned many to  
 come dwell in oon place, then was chosen to have cure of  
 all the reste. And as at the begynnyng of the world  
 god chose no man to be lord over all the reste, but  
 [43v] left that unto men to chuse whom they wold be ruled by  
 and gave no contrary comandment but they myght chaunge  
 their hedd at the tyme required. So in the begynnyng of  
 the church as ferre as I see Christ appointed non to behed  
 over the rest, it was not spoken of tyll upon striff  
 necessite required oon to be ruler of thother. And there is no  
 cause of reproche in Christ for that he left no hedd in his  
 Church no more then in the father which at the begynning  
 made non lord of other, And at Christ's being here  
 there were secular princes who had the Rule of the world.  
 It doth not appere that he intended to mynyshe their  
 power and estate. So that I saye for that men be so redy  
 to varye oon from thother it shalbe good that oon shalbe hedd  
 in every concile general. Albeit that Christ never  
 gave this in commandement It shal not ned to prove this

with many words. We see it used in every place where men  
 [44<sup>r</sup>] did assemble togedre, And there be many decrees that shewe  
 the same. As if the clergie shalbe called together in any diocese  
 the bishop is there as hed. If the assemblie be any hole  
 province there ruleth tharchbishop, even so whan all  
 provinces shal com togedre there must be oon that must call  
 them and must rule them. And so was it amonges the Jues  
 for Symon the hed priest and ruler of the people of Israel  
 obteyned this prerogative that no Concile myght be gathred  
 but by hym, And nothin can by men gathered togedre in a  
 citie but there be oon there as hedd. But as I said It  
 nedeth not to employe any more tyme in proving hereof for  
 both parties agree in this that it is mete oon be appointed  
 to be there over the rest.

[44<sup>v</sup>] Whither the bishop of Rome may be ruler  
 in the concile

I perceyve this question is determined all redy in this realme that  
 the bishop of Rome by no lawe but by mans hath ruled hitherto.  
 And as touching all lawes that speke of the calling of  
 Conciles are positif undoubted. As thay that be [beried?] in the  
 canon lawe witnesseth, Therefore I wolbe the shorter  
 herein, I shuld doo but wrong unto the parlement of this  
 Realme to make again doubte of things by them alrede decyded  
 yet lest men may think that I speke the lesser hereof.  
 By cause I am of the contrary opinion I will saye somewhat  
 herein ffirst than I fynd in the decrees that there have  
 ben iiij opinions in thes matier. Som thought Christ had

made Petre and the bishop of Rome rulers of all the reste  
of this mynd it semeth Anacletus was. Other have thought  
that petre was chosen of Thapostols to be primate. In other  
[45<sup>r</sup>] places it is said it was ordeyned by general Conciles that the see  
of Rome shuld Rule; yet a decree saieth that Constantin made  
the bishop of Rome higher then the other, So that where  
is such diversite of opinions. It is no grete matier to take what  
opinion a man lyst. As the lawyers saye in many like  
cases specially that he shal not suffer payne for his opinion.  
But putt the cace Christ had made Petre the hedd of  
the other, yet foloweth it not that the bishop of Rome  
shalbe so too. It is not known for surety where Petre  
was at Rome or noo. But put the cace he were at Rome  
shuld therfore be the bishop of Rome as good as he?  
If petre were at Rome and bishop of Rome and hedd of all  
thapostols yet to make [g]ood that he put the bishop of Rome  
in like estat It must be shewed that he was hedd for  
Romes sake and not for his fath. If he were made hedd  
bicause he shuld dwell at Rome I will graunt that  
[45<sup>v</sup>] by petre all the bishops there have like power unto petre.  
But if petre was made hedd not for the place but for  
his feith herin he passed all other It foloweth better then  
they shuld have the power of Petre which passe other  
in feith. Which thing no man can Justely saye to be in  
bishops always of Rome when som of them have been  
heretiks and the most part for a grete whill if veray evill  
lyvers. Liberius a bishop of Rome was condemned of heresy



and soo were other which were no grete maystry to reherse. But if good works are tokens and the fruts of feith as true believing men have juged them to be, then a gret whill agoon ther shamefull lyvyng witnesseth they wanted feith. Sainct Augustin and other sayeth the same the same juged to beare but the Image of the hole church in that place of the gospell where Christ sayeth unto hym [46r] Thou art petre and upon this stone I woll byld my church so that hereby petre had nothing geven hym for hym self more then other. Therefore sayd Anacletus that the other Apostols receyved asmoch honor and power as he did.

I can shewe it was decreed in a general Concile that no bishop shuld be called the hedd prest nother a Universal prest. But if Christ gave hym power over the reste bicause he wold he shuld be at Rome yet foloweth it not that he wold alwayes without end it shuld be soo. Ffor it is commonly holden for truth amongst divines that precepts affirmative byndeth but not for every tyme. Praye contynually, Lett every man have a wiffe, and such other commandmens bynd us no never to do otherwise. God hymself made oon hedd prest in Israel afterward David made many hedds amongs them. God comanded upon the Sabbat Daye to leave undon all bodyly works.

[46v] The machabees fought upon the holy Daye and wer commandded. It was lawfull but for prests to eat certain bredd amonges the Jues, David eate of them and no priest. Sainct paull comanded hym that was lately Christened no to be made

a bishop. Sainct Ambrose was made bishop of Millan bifore he was christened. Conciles gave comannndment that two shuld not be bishops in oon diocese yet was Sainct Augustin and Valerius both bishops at ones in Hyppo \* \* \*. To accomplishe a mans vowe both the lawe of god and eke of nature commannndeth yet come there many caces where men be not blamed for leaving a vowe undon. God made a juge to Rule in Israel after the people wold meke have a kinge at the last god graunted desire by the which exemple we are taught that god will suffer that thing to be doon that the people fervently desire if the comon weale stand with the same [47<sup>r</sup>] So that the lawe of nature be in nowise broken. The people to be ruled it is the lawe of nature by whom they be ruled or in what maner this was never after oon fashon in any communalitie, this is it that is often tymes chaunged and god doth suffer it as the cace requireth ffor this is a general Rule what soever was ordeyned for a common profit it may be undon agayn. If more hurt commeth thereof then good. Yet every man may not be suffered to make this chaunge, But other the hole people must do it as it was in Israel aforesaid, Or ells those who have the power of the people. And of this opinion was Gerson, a divine of Paris, in his bok de Auferibilitate pape for he saith it is not necessary the bishop of Rome be he that shal rule as highest priest in christendom. But it may be otherwise ordeyned that

[47<sup>v</sup>] any other bishop may doo the same So that it appereth it is not necessary the bishop of Rome be hedd in this general concile. If Chr[ist]endom chuse an other. FFor in this concile his own arts shalbe examyned and also the spotts and unclennesse of the church of Rome, neyther the cardinals may Rule in it for they have asmoche nede to be loked upon as the bishop hymself. It is the lawe of Nature used amongs all nations that no man shalbe hedd nor Juge where his own mater is in tryall And ther be many examples of bishops of Rome that have submitted them selfs unto a Concile general. Petre was acused that he had entremedled with the gentills. He excused hym self No[t] with this that other had no power upon hym but he said the holy gost had shewed hym It was godes will he shuld so doo. Damasus being but suspected of adultery maketh his purgation [48<sup>r</sup>] before bishops assembled togedr. Sixtus wrongefully troubled by oon Bassus shewed his mater unto the co[n]sell and willed it there to be tryed. Leo clered hym self of certain suspicion of unclean lif in a concile where he wold not be Juge hym self But was juged by other. Which all exemples are left writen in the decrees of Gratian, And by this bishops of Rome may well see it is not against the lawe of god that they shuld submitte them selfs unto the Concile. It is the mynde of Prepostus, a Doctor of Canon and afterward a Cardinal, That if the bishop of Rome be an open offender of goddes lawe he may be accused in the Concile. Nowe if it be agrevouse

crime to sell the tresors of Christs churche, If it be  
 grevouse by slaundrouse lyving and evill exemple to  
 withdrawe many mens myndes from Christ, If it be grevouse  
 [48<sup>v</sup>] to take upon hym that belongeth no to his office and yet leave  
 undon all that he is bound to doo, And of all these be evident  
 to all those that have ben any tyme at Rome If he hath  
 stopped his eares and will not heare. Howe men crye out  
 herupon, If all men abhorre, yea, som of the Cardinal  
 of Rome as I have myn own self herd and have this things  
 in abomination. If he warned Dayly in the consistory maketh  
 plaine anwer as his forefathers have don So will we  
 co[n]tinue tyll a concile have redressed thies things Whan  
 he is evidently obstinate and that a man may say of hym  
 as Salomon saieth. Impius cum in profinidum venerit contemnit.  
 If all thies premisses I saye be true, It is not mete he rule in the  
 Concile but be ruled. The canonists have a saying, the  
 pope, In asmoche as he is an heretik is of lesse power than  
 any Christen man, And therfore he an heretik may be  
 [49<sup>r</sup>] accused in the Concile and have no preemynence there at all.  
 And it wold be well merked that the text of the lawe  
 sayith not if he be an heretike but he sayeth thus So sit  
devius fide. He that lyveth unclenely may be thought  
 to have fallen by wekenes of nature If he knowlege his  
 faulte but he that lyveth noughtely and woll not amend  
 whan he is warned shal not I put this man amongs them  
 that saint paul saith Confesse god in word and denye  
 hym in deads. Shall I not saye this man hath denyed his

feth and is worse then an Infidle. As saint Paul sayeth of hym that teke no care of his kynfolks and other of his house then if he swarve from the feth or may be well esteemed so to doo so noughtly lyving without hope of emendment he hath nought to do in the concile but heare what other shal Juge of hym. But let us put the cas that the lawe [49<sup>v</sup>] hath determynd that there is but oon place in the whiche the bishop of Rome shuld be ruled and not Rule in a concile as whan he is an heretik, yet saye I in this cace of his evident abhominable lyving he must be undre the Concile and not above, ffor this a chaunce that the makers of that lawe never thought upon. Ffor som thought god woold have preserved that see by special grace above all other that it shuld never have come to such grete enormite. And some thought it was not likely but rather almost Impossible that he shuld have com to this cace forasmoch as all his liffe was heard and seen of so many folks or at the lest it was thought best to bring the people in believe he could not so fall for thintent he myght be the more in honor. In dede it was not likely at that tyme whan there were so many lawes made and diligently executed upon bishops. And whan [50<sup>r</sup>] there was so notable charite of prests in the churche of Rome and so many miracles don by them, And it is to be undrstand that lawes be made on things that chaunce commonly and not upon things that happen veray seldom. So that this chance was not thought upon by the makers of that lawe and they hadd Juste cause to think litel

therupon. And yet their lawe was good and we shal  
 not do evill to go from it in this cace, Ffor it is a  
 Rule in the lawe Quae de nono emergunt nono Judigent  
auxilio. And it is said in an other place that we shuld  
 not goo from a lawe enacted except evident profit in comon  
 moved us therunto. So that if the comon profit requireth  
 lawe may justely be broken, As for exemple in the Concile  
 of Thapostol by the mocion of the holy gost the lawe  
 was made in this form: It is thought best by the holy gost  
 [50<sup>v</sup>] and to put no more burden upon you then these that be  
 necessary as that ye absteyne from meates offred unto Idoles,  
 Ffrom blud, and bests strangled and from fornication whiche  
 if ye avoyd ye shal do well. Loo this is a lawe mad  
 by the holy gost and by the apostolls and that it was thought  
 necessary to eate no bludd nor no best strangled. And yet  
 at this tyme no man absteyneth from them. And why? For  
 bicause we knowe for what reason that statut was mad  
 And by that we know it byndeth us not nowe for the  
 cace is passed wherupon that lawe was. gounded. This  
 exemple of thapostolles lawe myght be sufficient and as  
 good as many moo. Yet a man may lightly gather out  
 of other generall conciles wherby it may right well  
 appere that all mens lawe and acts of general concile  
 may be chaunged and disanulled whan any thing  
 [51<sup>r</sup>] chaunceth that was not consydred at the making of the lawe.  
 God comanded a Serpent of brasse to be sett up in the  
 desert that loking upon hym the people of Israel myght

take no hurt of other venemouse Sirpents. In proces of tyme the people began to honore the serpent as they did god wherupon Ezechias king of Juda tok the serpent awaye. Howe durst he be so bold? Bicause he sawe it was against the welth of the people which at the begynning was made to maynteyne their helth. So he chau[n]ged that which god had ordeyned. And as to the primacye of the bishop of Rome, in the Concile I will saye more over this that though the lawe hath appointed hym to be hedd in conciles always exepte whan he falleth in heresye yet nowe shuld he not so be. Ffor this Rule is true and comonly allowed amongs them that be lerned in the lawe civil or canon, Wheresoever [51<sup>v</sup>] a Rule is put and an exception made unto the same and well knowin for what reason the exception was made then may I stretche the exception and comprese undre it all caces that have lik or more reason then it hath. So in this purpose If the bishop of Rome be an heretike he hath no preminence in the Concile bicause he is corrupted and can not discerne bitwen Lepre and lepre bicause his eyes be blynded by the doctrine of the dyvell and agayn he is nowe no part of the church which falleth in to heresye Ffor the church is oon and hath one god oon feith and oon baptisem. He that is an open evill lyver, he that selleth holy things, he that is become bonde to pryde, he that is above mesure covetouse he that woll heare non but suche as flatere, he that is grown in mischef and confirmed in the same by exemple of his predecessors, shall I think this man to have aright Jugement

[52<sup>r</sup>] in maters of religion? Sainct paull willeth no man to eate nor drinke with such as are open offenders wherby as I take it he mayneth they be excommunicate. But herken what St.

Aug[u]stin sayeth and it is writen in their own decrees. They that be separate, sayeth he, from the church have not the sprit of god and he is called seprate from the church whiche is all geven to evill and it foloweth in the same place.

They not onely be out of the church whiche are by open sentence acursed but also they which being bodely Joyned in the unite of the church yet for there evill lyving they be owte of it, this sayeth Sainct Aug[u]stin. Sainte Clement a disciple of thapostlles writeth in the decrees undre this manner he that lyveth rebelliously and woll not lerne to doo well is rather a member of the devill than of Christ rather an Infidele then a true believer. Sainct Hierom sayth playnely that Antichrist shuld Regne at Rome and som think the bishop of Rome is he, were it mete then upon thies consyderations

[52<sup>v</sup>] to make thys man hedd in this Concile? As good reason me thinketh putteth a naughty bishop from all preemynence in the Concile as doth an heretike. Christ sayeth unto all the Apostolls ye are the salt of the erth If salt be unsavory it is good for nothing sayeth he but to be cast out and trodden under mens fete, Nowe see he what perill cometh unto the hole floke by such an evill shepard. Hearken what hierom sayeth. Bicause the shephards have dealed folysshely and have not sought upon god therfore they have lost true understanding and therfore their flock is dispersed in



sundry parts. Loo here ye see a grete cause of all schismes so that I reken it veray true that Petrus de alliaco a Cardinal of Camerich sayeth Thexcommunications the grete exactions and tyranny of the bishop of Rome were the chief cause the Greks divided them selfs from us they were glad by any ocasion to be delivered of hym. But I have ben longer in this point then I was mynded for whiles I [53<sup>r</sup>] did declare at length my mynd herein I have paravanture made longer proces then nede required. Therefore here shalbe an end the som of the hole is but this that the bishop of Rome had never the highest place in general conciles but by the lawe of men, and that good reason it were for this tyme som other was sett in his place.

What power he hath that is hedd  
in a general Concile And what it  
is to be hedd.

As I said before in the assemblies of the apostolls it doth not appere who was hedd for the first concile where Matthias was put in Judas Rowm was not called by petre but Christs owne comandement And whan upon the gruge of the grecks certayn diacons shuld be made the xij apostolls [53<sup>v</sup>] Luke calling to gether the multitude sayd, It is not mete etc. There all thapostolls togedr not oon alone toke upon hym to call a general assemblie likewise whan men could not agree upon the keping of Moyses lawe howe and in what maner it could stande with the gospels It was no nede any hedd to call thapostolls togedre. The texte

sayeth thapostolls and the ancients came to gedr to entreat  
of that mater So that neither by the gspell Neyther  
by any writin of thapostolls it doth appear that any men  
had more to do herin than other. Long after it was'  
found and made as remedy that he that cared not for the  
common welth of Christendom or stubbur[n]ly refuseth to com  
where other were assembled that som shuld have power  
to call and comand the rest thither. More then this  
lest heretiks or other noughty persons by conspiracye myght in  
[54<sup>r</sup>] som caces prevaile and that men myght knowe catholike  
Conciles from other It was thought best that those shuld  
be called generall conciles whiche were appointed by  
hym that had auctoritie to do it. So that I think to be  
hed in a concile is not that oon may doo all or have asmoch  
power as all the rest of the concile But he is called hed  
of the concile that hath power to call together the  
hedds of Christs floke and to see that all things go furth  
in the concile by an order peasable without sedicion. So I see  
in the conciles that were before Niceun nowe oon was  
hedd nowe an other. In the conciles that Constantyn kept  
and other after hym, princes ruled In this that they called  
whom it please them, som tymes them self were present  
to see som good ordre kept. Yet they medled never a deale  
whan things shuld be diffined that were bfore in question  
what never was determynd by the concile thay tok it  
[54<sup>v</sup>] their duetie to see it kept. All that I have said Is open  
ynough to them that read historia ecclesiastica and tripartita

Pontificu[m] vitae and other lik, As it is also open in  
 many places of the decrees. But bycause in the bok  
 of decrees there be so many co[n]trary auctoritees that it is  
 hard to knowe wherto a man may best trust therfore  
 lett us lok for this elleswhere. In the bok that men  
 calle Codicem Justiniani et In parno volumine qd aucteticu[?]  
vorant we see that all that were determined in conciles  
 of the feith of Christs doctrine, of the church, of  
 bishops Clerks Monks Church goods or any other  
 they were afterward sett furth by Emperors and by  
 them comanded to be kept and paynes sett upon the  
 brekers thereof. Wherefore if it shalbe thought best  
 to mak the bishop of Rome bym self alone or elles  
 joyned with som other (for I fynd there at ones to have ben  
 [55<sup>r</sup>] hedds in a concile in the bishopp of Romes stede) to be  
 chef in this concile yet shal he have but the same power  
 that themperors had before, for by them he hath all the  
 power that he pretendeth herin he is but a minister and  
 servant to the concile and so St. Gregory wold be  
 called the sevaunt of all Christ's people for that he did  
 execute and see kept all that was decreed in Conciles  
 for the common weale. Reade who woll that Urbanus  
 and Zozymus spek herein and he shal fynde that I saye  
 true and to be the ryper herein, lett us see whose  
 vicary he is that ruleth in the concile. I mean whither  
 he be Immediatly the vicar of Christ or elles first the  
 vicare of the church and secondarely of Christe herein

I trust I may be bolde to saye as did a bishop well  
 esteemed openly in the concile of Basle wher no man  
 [55<sup>v</sup>] repugned at his sayeng as ferre furth as it is known. This  
 man said the pope was but the vicar of the church  
 Immediately and soo all his power he hath of the church  
 the whiche the church may lymite and restrayne even  
 as I may doo to hym whome I make my procurator or  
 attorney in my busynes. Sainct Petre whom men wold  
 have to be hed of the apostolls was fayne to answer  
 his accusers in the Concile And merke wher christ  
 bad hym no he shuld so doo. He said to petre hym self  
 If thy brother offend the go to hym and tell hym his  
 faulte bitwen you two alone, if he foloweth thy monition  
 thou hast won thy brother. If he will not hearre thee  
 take with thee a witnesse or two and then if he regard  
 the not complayne to the church. Loo peter was here  
 commaunded not to be Juge hym self but to referre suche  
 [56<sup>r</sup>] matters to the Jugement of the church which is represented  
 in the general concile. One man may be deceyved or ledd  
 by his appetite But the church whose hedd Christ is  
 which calleth her his spouse without spott whom paul  
 calleth the pillar and bearer up of truth can no so  
 son be deceyved as is most mens opinion And wher as  
 it was said unto peter, Petre thy feith shal never  
 faile and agayne I shalbe with you untill then[d] of the  
 world and in an other place I shal send you the spirit  
 of truth which shal put in your harts all that I shal saye

unto you was not spoken to peter for hym self but to  
petre for the hole church as saint Augustin taketh it.  
There is an Epistel of Clement which som doth right  
well esteme wherin he saith that peter wrote unto hym  
after that he had poynted hym to be bishop of Rome in this  
[56<sup>v</sup>] wise If thou be occupied with cure of the world thou  
shal both deceyve thyself and them that shal heare the  
for it shal not be in thy power clearely to declare asmoche  
as shal belong to their helth. And by that it shal folow  
bicause thou hast no tought the holsom doctrine that thou  
shalt be deposed or punyshed (for so som boks have) Saint  
Paule resisteth Petre bfore his face and shal it not be  
lawfull for a hole concile to resiste the successor of petre?  
The concile of Constantinople oon of the four that Saint  
Gregory so highly estemeth determineth of the bishop of Rome  
whiche was hedd of the conciles in this maner If there be  
gathered a general concile and there be any manner of doubte  
and controversie of the holy church of Rome ther must serch  
be made and tryall with Remeadie of every such doubt etc.  
The concile of Constance hath determyned it and the divines of  
[57<sup>r</sup>] Paris also that the bishop of Rome is under the Concile and  
that the concile hath immediatly of god power upon all. This  
was determined whan the bishop of Rome was hedd And  
therfore it shalbe likewise in hym what soever he be that  
shalbe hedd in this concile. Ffor whosoer cometh in to an  
others Rowm he must stand in the same cace that his  
predecessors did. The prove herof me thinketh may be this.

The bishop is hedd of the Chapter in eny cathedral church and so hedd that neither the chapter may doo any thing without hym or agenst him neither he alone without the chapter nor agenst the chapter for the bishop is hed and the chapter is a body where the oon can do nothing without the other. But it is not so in the bishop of Rome and the general concile. Ffor conciles have power to condepne the bishop of Rome to sett and order upon his liff to put him down and to [57<sup>v</sup>] chuse an other. And to be shorte the concile may do all those threscore things that johnies de Turrecremata saieth are things reserved onely to the bishop of Rome. Wherefore by this is appereth that the bishop of Rome is not hedd of the concile as a bisop is hedd of his chapter but is undre the concile in that he is bound to obey thordenaunce of the concile and yet he is called hedd in those things as I have bifor rehersed. And of this it foloweth that the bishop of Rome is principally the vicar of the church and secondly of christ ffor if he were principally the vicar of Christ then could not the concile use any power upon hym lik as the chapter of a cathedral church can mak no statuts upon him that the bishop maketh his vicar there. So it is whan the Concile is gathered the power of the bishop of Rome cesseth as dothe the power of an ambassader whan his lord is [58<sup>r</sup>] present. Therefore we see that in many concile sentence is geven without any mencion of the bishop of rome. And sometyme the bishop of Rome pronounceth the sentence and yet he saith he doth not that but by thauctorite and name of the concile.

We see also that men may appele from the bishop of Rome in many caces unto general concile and for this. Sainct Aug[u]stin reproveth certain persones which intended to mak a schism bicause they said the bishop of Rome had don them wrong. St. Aug[u]stin sayeth this was no just cause for yet there was remedy at the general concile. And what soever I said here before of the bishop of Rome that he is undre the concile the same must be undre stand in hym whosoever shalbe hedd in any concile.

Of what matiers the general

conseill hath power to entreate on.

Nowe have I spoken Inough of the dutie and office of him that is hedd in a concile. Next it shalbe [58<sup>v</sup>] best to see of what things a concile maye entreat. But where shal we fynd a decision hereof? But loking on the usage and custome that our forefathers have folowed ffor non interpreteth the lawes so well as doth custome. Though a man wold read all the histories in the world yet shal he never fynd that men in general conciles did cast their hedds together to devise howe themperye of Rome or other princes shuld be well gouverned. Nether yet it was not spoken of in general Conciles how men shuld bargayne oon with other except there wer som lawe or custome in som country that were disallowed by godd's lawe As for exemple whan princes sufferd men to lend money upon usury and it was thought in faulte than did conciles forbid

usurye, not as of them selfs but by thauctoritie of god and  
 [59<sup>r</sup>] as it was in usury. So was it in other like therfore it  
 apparteyneth to conciles whan any doubtes ryseth upon  
 scripture in our feith then to determyne it or elleis whan  
 any Christen man breketh openly the lawe of god and is  
 denounced to the concile then have Conciles used to  
 cutt of any such person as a rotten and daungereuse  
 membre that other may see to avoyd hym. So the  
 Concile of Nicem [Nicea] was gathered in the est whan  
 Arrius taught and preached that Christ was lesser  
 than the father ffor Constantyne seing that by diversite  
 of opinions the church was like to be divided and he hym self  
 not hable to decide the mater comanded a grete nombre  
 of bishops to mete togedre in Nicea. There they determyned  
 that which is holden in the church tyll this daye and pronounced  
 that they were no part of godds church that folowed  
 [59<sup>v</sup>] Arrius is opinion. Likewise was don whan macedonius  
 preached the holy gost was not god. Theodosius thelike  
 comanded DL bishops to appere at on tyme in Constantinople  
 were it was determined in lik maner of Macedonius and  
 his opinion as I said bifore of Arrius. And as I have shewed  
 in thies two Conciles, So was wont to be don in all  
 other which I can not reherse, not to be tedious. Ffor  
 they did determine no maters of princes nother of any laye  
 men but onely those that brake the unite of Christ's feith  
 shuld have combred them selfs with wordly busynes. And  
 herein they kept the lawe writen in the Deuteronomye,



where this commandment was thus geven, If thou shalt perceyve  
 any hard cace of jugement bitwen blood and blood, cause and  
 cause, Lepre and lepre, and If thou sest the Juge of the cite  
 [60<sup>r</sup>] be in diverse opinions ryse up and go unto the place that  
 the lord god hath chosen and there shal thou come unto  
 the prests of the stok of Levy, and unto the Juge that  
 shalbe for the tyme. And as king of them thou shalt  
 lern the truth and as they saye so shalt thou doo. This  
 comandment though it were not mede to be observed for  
 ever and therfore princes be not bound at this tyme  
 in all points to observe it, Ffor at that tyme whan  
 all the people were Ruled by oon lawe of Moyses  
 aswell the prests as other and whan they understod and  
 knewe this lawe better then any other as men that studied  
 nothing ells and agayn they were more lightened  
 and lesses partialite in them, It was no merveile if at  
 that tyme matiers of difficulte were diffined by prests.  
 But yet take hide what he saith not onely Thou shalt  
 [60<sup>v</sup>] go to the prests but he sayeth more over, and to the Juge that  
 is for that tyme. Amongs Christen men that lawe was  
 not mete in all points for there was more then oon lawe  
 that christen men were bounden to be obedient unto. Every  
 good Countrey and Citie had different lawes the one from  
 the other. I may as concern temporal busynes and in  
 this lawe most part of prests had litel skyl And in maters  
 of the lawe of god non were seen but they. Ffor noon  
 but they studied in them therefore the Lawe of

Deuteronomy was kept in them aswell as it myght, that  
 is that matiers of religion and of the feith were deputed  
 unto the prests and also the princes. As we see, it was used  
 at the begynnyng of the church in all those conciles  
 that St. Gregory and other doo so highly esteme peravanture [?]  
 for this cause princes were there, forasmuche as it is not Inough  
 [61<sup>r</sup>] to knowe what godds lawe is whiche perteyneth most unto  
 prests but there must be also a temporal power which  
 may make a lawe and cause it to be observed the which  
 is a princes duetie. Ffor I take it to be the truest  
 opinion that paulus de castro and other have holden  
 that no bishop bifore Constantyne had any Jurisdiction  
 to force any man to do a thing were it men so honest.  
 This was the uttermost that paulus used against hym  
 of Corinth that they pronounced noughty persones not  
 to be of Christs church. This power did Sainct  
 Ambrose use agenst Theodosius Themperor whan he shytt [shut?]  
 the dore and suffred hym not to entre in to the temple.  
 But thies are somewhat from our purpose. But as I  
 sayd bishops never tok upon them to medel with other  
 maters then those that I have rehersed loke upon  
 Conciles who woll he shal fynd the principal cause  
 [61<sup>v</sup>] of all Conciles was to juge heresies. Many lawes are made  
 in general councils for churches and for the lyvyng of  
 Clerks and that was other elles that princes thought  
 those persons not to be of their cure which had nought  
 or elles they combred with werre, were glad to discharge

them selfs of those persones that had so forwaken the world.  
 Ffor bfore Thempery of Rome began to fall, Emperour  
 made aswell lawes upon clerks as upon other yet howe  
 soever conciles ordred the lyvyngs of clerks yet never  
 did they put their hands upon any prince to make lawes  
 over hym Except it were as I saye whan they tought  
 hym the lawe of god. Christ hym self was content to  
 be under themperors deputies he paid tribut which  
 is a token of subiection, never brake he Themperors lawe  
 But gave commandment to his disciples they shuld  
 [62<sup>r</sup>] kepe them. There were at that tyme in his own  
 country that ruleth the people noughty prestes.  
 There were at Rome princes cruell and coveytouse  
 asmoche as myght be. There was in every nation evill  
 men in every degre and yet it doth not appere that  
 he determynd any of them to be put out of his  
 estate. He commanded his disciples to obeye their  
 princes though they were evill. Therefore, if any  
 prince shuld have com to thapostols at their counsell  
 and complayned that he had taken a blowe of any  
 other perchaunce they wold have byd hym offer to  
 take an other. So grete difference is there bitwen  
 the jugement of spiritual men in worldely matiers  
 that if a men wold aske in oon matier thopinion  
 of a spiritual man and a man of the world ye shal  
 [62<sup>v</sup>] Ffynd their opinions more different oon from the other  
 then fyre is from water. Therefore it is better that

worldly maters be diffined by worldly men and  
 spiritual by them that be spiritual. And for this it  
 is that princes power is a thing by it self wherof  
 Christ tok to hym no part for he said My kyngdom  
 is not of this world And for this it is that the  
 bishop of Rome doth saye in the lawe expressely that  
 he woll not trouble nor usurpe the Jurisdiction of  
 the Ffrenshe king. He saith more over there that  
 he hath nought to doo to juge a mater of lands,  
 he medleth but only where synne is comitted.  
 And me thinketh, he doth in maner confesse that  
 all his Jurisdiction he hath taken of Emperors.  
 We may tak it of many places in the decrees  
 [63<sup>r</sup>] and specially in the 96 distinctions that prests myght not  
 medle with no seculare busynes and they are secular as we  
 gather there, that toucheth the governaunce of oon man  
 with an other. And it hath ben determyned that a bishop  
 shuld onely geve hym self to fasting prayer and preching  
 and not so moche as to medel with the busynes of his  
 own house. Ffor he was comanded to have an honest  
 Stuard that myght discharge hym in that behalf.

What is to be sticked unto whan  
 doubtes shalbe diffined in a general  
 Concile

This article shalbe to shewe what Rules a Concile  
 must folowe in ending their maters for thentente that  
 no sentence may be geven but Juste. In a concile

grete hyd must be taken, that there be som sure  
 [63<sup>v</sup>] funda[ti]on wherupon men may ground and weyn all matiers.  
 like as the Aigle, which bee her own byrds  
 and which bee not by putting them agenst the sounne.  
 So must we bring all our doubts to Christ our son and  
 his worde we may not lightly diffine upon suche things  
 as Christ willed us not to know. His wisdom is  
 Infinite So that we can not tel for what entent he wold  
 not diffine som maters. Paraventure bicause it was  
 better for us not to know them as he sayd unto them  
 that asked hym what the daye of dome shuld be.  
 It is not mete for you he said to knowe it etc. It is  
 mete that it be lawfull for every man to thinke as hym  
 lyst in things Indifferent so that it be not forbeden  
 any man to Juge at his will of such things as Christ  
 and his scripture have not diffined. So that unitie and concord  
 [64<sup>r</sup>] may be kept and that all things be don without greve of  
 others. I will put for exemple that that happened in  
 the maner of the breaking of the fast.in Lent and keping  
 of Easter. The church in the Est did as they sawe  
 Sainct John the Evangelist, Polycarpe his disciple,  
 and other bishops contynually unto ther tyme to have don  
 and kept ther Easter the xiiij<sup>th</sup> day of the mone  
 in the first moncth what daye soever it fell upon,  
 Sondag or other. In the other syd the church  
 of the west kept not Easter daye but onely on the  
 Sondag. This difference was brought unto the

Concile to be determyned. Here in this cace I am of  
 the opinion that Ireneus, a bishop of Lyons was,  
 that it were best for an unite to be had in the church  
 that all kept Easter upon oon daye, on a Sondaye.  
 But if it can not be brought to passe that the oon  
 [64<sup>v</sup>] part will yeld to thother the church ought not to be  
 divided for every light matier. If both parties hertely  
 serve God, Love hym and kepe his comannments It is  
 hard to saye they be noon of his membres bicause they  
 agree not with the reste in every ceremonye. Tak this as  
 spoken for an exemple Ffor I will not tak upon me to  
 juge upon that was determined in this cace. I woll by this  
 exemple shewe that eny man myght understand there  
 is no greter cause why the Church of Christ is brought  
 to so smale a nomber then is this that we cutt of to  
 hastely the branches that Christ hath sett in his  
 vyneyerd. We ought aswell to cherishe eny member of  
 the church as we doo the membres of our own body.  
 Let eny man laye his hand on his hart and remembre  
 howe wore it greveth hym whan he is costrayned to cutt of[f]  
 the lest part of his bodye. We assaye all/wayes and tak  
 [65<sup>r</sup>] grete paynes bifore we com to that point. If there be any  
 member of our body that by chaunce is made unapt for to  
 do any service yet ought we to kepe hym styll bicause  
 it is a heght and an ornament to the hole body that  
 no part lack yet at the last then we cutt hym of[f]

If he bothe greveth us and lett us and put all the  
 body in hazard. I feare me that this be an evident  
 token that we our self be not in the body of Christ  
 that we so coldly cherish his membres. By this said he  
 the world shal knowe that ye are my scholars if ye  
 love oon an other, even as I have loved you. Christ  
 cast not a waye Judas by and by whan he knewe first  
 that he was a thiff and a traytor; he suffred hym to be  
 amongs the moo and to heare his lernyng. The church  
 hath ever had both good and bad togedr. Therefore  
 Christ said lett thies wydes growe tyll reaping tyme  
 [65<sup>v</sup>] come; Juge not bifore the tyme come. I can no longer  
 refrayne but nowe I must tell you what I have  
 thought a grete while Never shal the shepe retorn  
 agayne unto their fold that nowe are strayed awaye.  
 And I deare saye more yet, they that be nowe  
 in the fold woll not there contynue except there be  
 made such a Shepeherd whose liff be like Christ's,  
 Peter's, and thapostolls. Lett there be a shepeherd  
 that care for nothing elles, but that his shepe do well  
 and that can fead them with the word of god and good  
 and good exemple of lyving (As oon worde). Lett hym  
 be the man that every man shuld love for his goodnes  
 and I deare jeopardy my lif he shal have a grete fold  
 and well replenished so that the world shal see that men  
 be brought to obedience more by love then feare or  
 penance of never so grete power or auctorite. Ffor so did

[66<sup>r</sup>] the apostolls bring the world unto the obedience of Christ. But nowe I leave this and torn to the purpose and tell you why I saye all our maters of feth that shalbe determined in a Concile general be tryed onely by the word of god and his apostols and not by mens traditions. And here I call mens traditions popes' and bishops' decrees and any man's Jugement and Interpretation. I deare not yet diffine what ought to be geven to the determination of general conciles. I knowe conciles have ben reprov'd oon by other. I knowe also that the comandments of the best and gretest conciles that ever were be not nowe observed now, I think, there is no lawe of god that byndeth us to stand unto the determinations of Concile. I knowe more over that the divines of Paris and all other do hold that nother general conciles nother all the men in the world can mak no newe article of our feith which is not found in holy scripture. I knowe again [66<sup>v</sup>] it may happen unto us for our demerits as it hath don to the children of Israel. God promised them to be always their protectour and director yet this condition was allways understand: If they kept his comandments; and so it may be that other we or our forefathers have ben blynded and could not see the truth. And yet god shal kepe his promisse Ffor whan it semeth hym best he shal open some mens eyes that shal perceyve the truth. Christ prognosticated that about thend of the world his feith shuld sore decay, Whan the son of man shuld com sayd he trowe ye he shal fynd any feith in the world? But as I said, I woll not yet pronounce what



credence ought to be geuen to general conciles, Ffor I tell  
 you playnely, I can not bring meself oute of doubte herein for  
 all that I can doo hitherto. Therefore, conciles sett apart,  
 If any man asketh why I saye all doubts of our religion  
 [67<sup>r</sup>] shuld be diffined by the onely word of god I answere it is  
 for this cace that all doctrine of man hath ever som falshed  
 with all as no man lyveth but often tymes he doth offend. So  
 no man speketh nor no man writeth but som thing skapeth hym  
 which is not true. Ffor if we spek exactly without favor  
 As no man is good but god so onely god is true and all  
 men by lyers. The word of god is pure and sincere  
 that which agrieeth with this is certaynely good and true.  
 That, that swarveth from this, that undoubtedly is nought  
 and false. Therfore scripture saith the word of god  
 co[n]tynueth for ever but man's teaching and tradicions  
 chaunge as the mone. It is veray true that Aristotel  
 writeth in his bok De Celo that all opinions that ever  
 were come up again and are allowed at on tyme or  
 other and afterward vanish agayn. That there was  
 a god it was an old opinion but not but by man but  
 of god and therfore it was believed at all seasons and  
 [67<sup>v</sup>] for this Christ gave good counseill that who wold buyld a  
 house shuld tak good hyd on what ground he sett it.  
 If he putt it upon a hard stone or rock come wynd come  
 wether come what soever will the house standeth fast.  
 But if it standeth upon no sure ground It is son overthrown.  
 So if those thinks that a Concile decideth be groundeth

onely upon mens wit and tradition they are son overblown  
 and will not co[n]tynewe and that, that is grounded upon  
 the word of god will stand no tempest, no mischaunce  
 nor mischief of man nor the dyvell hym self can undoo it.  
 More then this the boks of the newe testament and  
 the old be called Canonic asmoche to saye as Rules.  
 Why rules? But bicause by them we must trye what  
 is to be believed and what is not Ffor they be not onely  
 the Rules of our liff but also our feith. Concilium  
 Laodiceun decreed that nothing shuld be read in the chirche  
 but boks that they called canonicos and in the same place  
 [68<sup>r</sup>] be rehersed by name all the boks of the bible. Alike  
 thing was enacted in the thyrd concile kept at  
 Carthago where saint Aug[u]stin was present. I will not  
 Recite all that may be said in this behalfe. I shall  
 shewe a place or two wherby ye maye gosse likewise  
 of the rest that of men's opinion it is no certayntie who  
 was better lerned then was St. Aug[u]stin and St. Hierom  
 yet we see howe they varye in many points and noon  
 believeth the other. Saint Aug[u]stin reproveth in his  
 last works many of his old opinions. St. hierom saith  
 that peter was reprovod of paul but undre a color  
 onely to content the gentiles from whom St. petre  
 departed at the jues comyng in. St. aug[u]stin saith it  
 was don in good earnest. St. hierom sayeth, If a man  
 hath had two wiffs and afterward be Christened  
 he hath no lett why he may not be made a prieste.

[68<sup>v</sup>] Sainct Aug[u]stin, St. Ambrose and other be of co[n]trary opinion. St. Aug[u]stin rekeneth that the hole world, the water, the bests, the elements, the steres and all the reste were made by god in oon mynute and that where it is said they were made in sundry dayes, he saith it is so writen bicause we were not otherwise hable to understand so high mysteries. This opinion of hym comonly all the rest doth not allowe. So that ye maye see howe men do never agree in opinion one with thother. And to that I said bifore that we are bound to believe non other opinions but suche as may be proved by the holy scriptur. Ye shal understand it is not myn opinion but St. Aug[u]stins in the xix epistel where he saith thus, I put you to witte I am taught to bere this feare and honor all onely to those boks of the scripture which be called Canons or Rules that I parfitely beleve non of thauctors of them to have erred in their writings. If I fynd any thing in them that'

[69<sup>r</sup>] that semeth conntrary to the truth I doubte not but other the bok is false or elles the translator understod not the place or I miself doo not perceyve it. Other men's writings be they never so holye or never so well lerned I read them and not believe that it is true that they write bicause they thought so but bicause they can prove it to be true by other boks canonik of the holy scriptures or ells by evident reason. Nother I think not that thou woldest have thy boks so readd as the books of the prophets and of the apostolls, of whose writings to doubte that they be true were very abhominable. God forbyde that any man

shuld so think of his own writing saieth St. Augusten,  
 But he that lyst to see in the lawe many more witnes  
 of this opinion to be true lett hym lok what Gratian  
 bringeth in the x<sup>th</sup> distinction. In many chapitres, Gelasius,  
 which reaherseth what Interpretors of scripture the church  
 doth allowe willeth men to read them that he nameth  
 [69<sup>v</sup>] there yet he will not that it be neccessary every man to beleve  
 all that they write. But nowe I will answeare to them that  
 may mistak me that I geve no credence to no Interpretation  
 of holy scripture. And that I have said I wold were taken thus:  
 What St. Aug[u]stin, Cyprian, Chrysostom, Hierom, and  
 other have writen no man is bound to beleve, But there as  
 they agree with holy scripture. But wheras they agree all  
 upon any mater there is an other reason for then it is moost  
 lik they had oon sprit of god which so ferre a sondre the  
 oon from thother have spoken any thing and agreed so  
 well together. Ffor by this reason St. Aug[ustin] proveth  
 the philosophers had not the sprit of god bicause they agree  
 not oon with an other. And tullyus proveth this wayes  
 the lawe of Nature amongs men to be that wherein all  
 nations doo agree. And the church of god is oon  
 aswell for this as for any other thing that it is leadd  
 by oon sprit. To dissent from all men, that is the part  
 [70<sup>r</sup>] of Ismael, the figure of heretiks of whom the scripture sayeth his  
 hands were sett against all men and all other against hym.  
 Salomon wrote those words Leane no to moche to thyn own  
 wit, and be not wise in thyn own conceyte. It was a commandement

in the deuteronomy, Aske thy fader and he shal shewe, Ask thyn Aunciens and they woll tell the. Job sayeth, Ask the old father, serch diligently ther monuments. Sainct Paull xiiij yeres after he had lerned Christ's lawe came to Hierusalem to conferre his lernyng with them that were chief there of thapostolls. We may hereby see howe perillouse a thing it is a man to trust his own wit to moche. So that I think if any man ask what rule a concile ought to folowe in diffining of suche maters as are in doubte there That chiefly they styck unto holy scripture. Secundarely unto the Interpretation of doctors wheras they all agree in any maters. Thies was also the mynd of St. Hierom which saith in this wise, Lett us not bring deceitfull balances to weye things after our own appetite [70<sup>v</sup>] sayeng this is light, and this is hevye, but let us bring the balances of god out of holy scripture and in that let us weye which is hevye and which is light etc. If we doo otherwise and stick to our own lernyng, witts and jugements it may chaunce unto the concile that shalbe kept at this tyme as it did unto the concile of Melden whose sentence was disapproved and St. Hierom alone preferred bfore the hole concile bicause St. Hierom had scripture for hym and the Concile hadd non. Canone/ placiut cum his qui dbj notantor xxxvj questione secunda

That the bishop of Rome may not be hedd  
of the concile Although he hath ben bfore

For a ground in this mater it is to wite that eny man suspected in any mater not to be Indifferent is not mete to have any

thing to do therin. Ffor were he the holyest and best lerned  
 man of all Chri[st]endom yet if he were knowen to weye mor  
 [71<sup>r</sup>] on the one syde then on the other no lawe permitteth hym to  
 entermedle as juge therin. A witnes is not so son reverted as  
 is a juge for the sayeng of a witnes is no sentence, It may be  
 examyned in forme and fason and often tymes refused. A juge's  
 opinion is a sentence which in som place is irrevocable, although  
 it be evill geven. And therfor a Juge must avoyd all suspicion.  
 Sometymes overmoche familiarite with thone part is a Juste cause to  
 Refuse hym for Juge. Read who woll the causes that are recited  
 Why a juge may be deffayted he shal fynd no greter, normore  
 comonly allowed then is, If the mater toucheth the Juge hym self,  
 or elles if he hath geven sentence in the same or in lik cause bifore.  
 Nowe if he be known an enemy either prive or aperte  
 to the one partie though therebe mor that setteth Juges  
 aswell as he, noman is bound to appere in that court untill  
 he be removed, Except it were to allege this that he ought  
 to be removed. Ffor in lik maner, as for an exemple, if  
 four wer appoincted Juges in a mater, thre of them can doo  
 [71<sup>v</sup>] nothing without the fourth, yet if the iiij<sup>th</sup> were present and  
 these thre in oon mynd agenst hym they shuld prevaile  
 as the more part. But withoute his presence their assent is of  
 no valor. So if an enemy be amongs mor juges after he is  
 so known to be and is not removed his present shal do asmoch  
 hurt concernyng the thing that is in hand as doth thabsence  
 of the iiij<sup>th</sup>. Ffor the lawe sayeth in the first case this is the  
 reason why the thre mens verdict is nought bicause to iiij<sup>th</sup>

man being present myght have steyed them and upon a reason  
 and juste cause changed their sentence. So I say whan an  
 enemy is oon amongs moo Juges and is not removed his dealing  
 may be thought to be such, that either by oon meanes or others  
 he woll do displeasur. Ffor while a mans mynd is in  
 doubte as all mens be where matiers be brought before  
 Juges they are all most assen moved to the one parte as to  
 the other So that it wer wonderfull jeopardiouse to suffer  
 any such persone to be present as Juge when any suche  
 [72<sup>r</sup>] case falleth and moche the more in such aplace where is non  
 appell to be heard, where the sentence geven must so straictely  
 be obeyed. The civill lawe is grounded upon good reason, as  
 me semeth, where it decreeth that if a noble man sueth an  
 action of wrong agenst an other he may not be present at  
 this sute hym self but must mak his attorney. The reason I  
 tak to be this, Lest he by his presence myght cause the Juge  
 to be moved either by fayre meanes or by foule to leane more  
 to hym then to thother part.

An other ground in this mater I tak to be this, what soever  
 is don upon ignorance or error may and ought to be revoked  
 assen as the truthe is known. Ffor though god having knowlege  
 of all things doth nothing that may be deffayted for any  
 pretense yet man being suiect to blyndnes as part of the  
 payne due for his tr[e]spas doth many things as upon  
 parfite knowlege and yet in dede he knoweth them not.

And therfore he may and often doth refuse that he afor toke,

[72<sup>v</sup>] nowe being of better knowlege. As if I, thinking meself to

be in your debte xxli and promised to paye the same at  
 iiij equal terms wtte [within] six yers and do paye for  
 the space of iiij yers after the rate and in the v<sup>th</sup> yere  
 knowing that I was no debtor to you at all doo denye from  
 hensfurth to paye you any more yea and ask again all  
 that I have bifore paid I do you no wrong If myn error  
 be such that it may be allowed by the lawe and this is  
 an error that all lawes have for reasonable to be excused.  
 If I take it for truth that a hole nation taketh for true  
 without repugnyng. For it is said communis error facit ius.  
 An other good excuse is in ignorance whan I am put in  
 any believe by them whom I am bounde to believe.  
 As: If a poure uplandisheman, beleveth as his Curate  
 teacheth hym; So his curate be compted a sufficient man  
 he can not be blamed if he erre, So it is in lik cace.  
 If an other man what soever he be thinketh and taketh it to  
 [73<sup>r</sup>] be commannded by the word of god bicause he seeth doctors of  
 divinite, bishops and other so to affirme hath good cause to beleave  
 as they byde hym and if he erre he is to be excused and is notworthie  
 to suffer in this cace for his blyndnes but maye lefully go from all  
 that he promised upon this Ignoraunce assen as he knoweth the truthe.  
 The thyrd ground shalbe this all that is made for a common weale  
 may be no longer maynteyned then it doth good or at the lest tyll  
 it doth no harme. Ffor assen as herte ensueth there is good cause  
 do disanulle the lawe. Every ordenaunce must be good honest and  
 profitable, and good it is that maynteyneth the common welth,  
 honest it is that furthereth honestie amongs men. Whan thies



things appere not or elles whan the contrary appereth then wer it grete petie that this lawe shuld any lenger bynd men to things that are not good. Nowe by the first ground, I saye the bishop of Rome may not be hedd in the general Concile for he is and wolbe partial almost in eny mater that is lik to be examyned there. If it be mete there be a concile general [73<sup>v</sup>] than it is mete that those things that shalbe spoken of there be truely and Indifferently examyned. Ffor, If we shal stand to all that is don alre dy and serche no further therin, Then nedeth no concile but it were to confirme the old. But it semeth mete to have a concile to sett upon diverse matiers as newly a though they were not yet diffined, Or elles it wold be hard to knyt unto us agayn the partie that are broken of from us. Nowe hath the bishop of Rome geven sentence already in the one syde, he hath don the uttermost he can to the undoing of the oon part, Also one part of the mater is his own. Ffor there I trust shalbe determyned that it is not necessary the hedd of the church be at Rome, more then elleswhere, And again that he deserveth playnely to be deposed. In the determynynge of these things, If he should be left as oon of the Juges he shuld parchaunce weye so hevy on the oon syde that right could not be heard. And by the second ground I saye that although princes and all others have [74<sup>r</sup>] graunted and promised by other or other wise to maynteyne the primacye of the see of Rome yet are they not bound to maynteyn it, If any other be chosen to occupie that Rowme, Fforasmoch as they were then credibly enformed that it was their bounden

duetie so to doo. So that if it be nowe shewed that scripture gave no man of thapostolls mor power then to other but onely men's provision made one that was bishop of Rome to be hedd of the hole, After ward that Schismes wer lik to folowe and men could not be called together except therwas som man to calle them whan tyme was and that myght force them, that for any Iniust cause wold not come there they may well saye as doth the bishop of Romes lawe in a lik cace Non soluit votum qui illud commutat in melius. And to them that shal saye oon man may not undoo that is don by thassent of the hole Christendom and mak this answere: As if I met any man in the highe waye that to have my money assawteth me and putteth me in Jeopardye [74<sup>v</sup>] of my liff I may mak myn own defense the best I can for my liffe and rather kylle then by kylled and in this cace all that I can doo for myself is allowable for that I shuld of lykelyhod have perished if I had taryed tyll the people of the lawe had com to save me. So I saye, If I be wronged of hym that is hedd for the tyme and I take it for my best defense to plucke my neck oute of his yoke bicause I can not otherwise be harmelesse wheras godds lawe is not offended I am to be excused for that I had non other waye to avoyd wrong. And by the third ground, I saye that all though the bishop of Rome was made hedd for good reason at that tyme for then was Rome the gretest Citie in Christendom and standeth most Indifferently for all parts of every syde, And the Emperor by Rome was

hed over the world So it was thought mete that by Rome  
 the hedd citie the bishop therof shuld Rule over the reste,  
 [75<sup>r</sup>] Yet nowe as good reason were he shuld be put down. Ffor nowe  
 there cometh more hurt by his misbehavior then good of his  
 Rulyng. And as it hath been seen in every estate that whan  
 not only man somtyme do mysuse their power but  
 contynually suche estate doth hurte the common welth, Then is  
 that estate holly putt down. So maye it be in this primacye  
 of Rome, Fforasmoche as not onely som bishops but the  
 hole maner of them that are there at Rome be noyefull  
 to the hole estate of Christendom so ferre furth that I have  
 said even there bifer this That it is not possible to  
 bring the church of Rome to any good ordre for all is  
 so ferre oute of tune there, That it were easier to  
 mak a newe hedd then to reforme the old; As some  
 houses are so ferre decayed that better it were to mak  
 a newe then to repayre the old. Ffor if the bishop  
 [75<sup>v</sup>] there wold be good, yet other his Cardinalls or elles  
 the costumes of his Citie wold not suffre hym to  
 contynue. I see and heare it commonly reported there  
 that they were never compted but foules that did not  
 as July the second did whan any other shalbe suche  
 as Adrian was he shalbe esteemed as oon of light  
 wit. I saye in fewe words the maner of the people  
 of Rome were Inough to corrupte a right good man And  
 the Court is so oute of ordre in Rome that I have known  
 men of good conscience have refused thoffice bicause they  
 thought it was not possible to use them with good conscience.